

ANNALS OF IOWA.

VOL. IX, No. 2.

DES MOINES, IOWA, JULY, 1909.

3D SERIES.

THE BUILDING OF AN AUTOGRAPH COLLECTION.¹

BY CHARLES ALDRICH.

This is the way it was started: In the year 1848, I was the youngest hand in the printing-office of *The Mail*, at Warren, Pa. This was a small six-column paper, conducted at that time by one of my former schoolmates, Mr. Ephraim Cowan. He and I had roomed together in the little old Academy at Jamestown, Chautauqua county, N. Y., some years before. He was several years my senior and had preceded me some time in getting into business. He was the editor and publisher of *The Mail*. It was printed on an old-fashioned Ramage² press. If I remember correctly, the two sides of the frame of the press had been made from a couple of hardwood planks. The platen was of wood and was only large enough to cover a single page of the paper. It was necessary to run the bed of the press which held the forms half way under and pull the platen down upon that page. Then the lever was allowed to go back to its place and the next page was in like manner run under the platen and in its turn received its proper impression. This press was very similar to that used by Benjamin Franklin, which is now in Washington, D. C., though the Warren press was of a somewhat later date. It was, however, but a slight improvement on the ancient press used by Franklin.

I was sweeping out the office one morning when my employer received the mail. Among the parcels was an octavo document which bore the frank of Thomas H. Benton, who served in the U. S. Senate from the State of Missouri for

¹This article was prepared by the founder and curator of the Historical Department of Iowa during 1906, and is one of a number that disclose the labors and plans that filled his later years. Others will be published in *THE ANNALS* from time to time.

²This press was invented by Adam Ramage, a distinguished Scotch mechanic, who was born in 1770 and died in 1850. He came to this country where he spent his mature life.

thirty years. I noticed that Mr. Cowan tore the wrapper off from this document and threw it under the table. I had been reading something of autograph collections and happened at that moment to feel somewhat interested in them. Ordinarily this frank would have gone to waste with other refuse paper. I picked it up from under the table, however, and reaching for the editorial shears was about to cut it out. My employer asked me rather curtly what I was doing with that paper. "O," I said, "I propose to save this autograph if you don't want it." He said that I might have it and I cut it out of the wrapper. When, some time later, I acquired a copy of Benton's "Thirty Years in the United States Senate," I pasted this signature under the portrait. Years later some book agent borrowed it of me to use in canvassing McKean county, Pa. He placed no value upon the signature and let some subscriber up in the oil regions have the volume instead of waiting for a fresh copy, so I never saw it again.

From that time forward I preserved such signatures as easily fell in my way. For a time, like other boy and girl collectors, it was my habit to cut the signatures out of the letters. I outgrew this waste later on. My collection grew but slowly at the start, but I was soon compelled to procure a scrap-book to contain it. Some years later, when catalogues of autograph letters for sale came to my hands, it was my habit occasionally to buy one, though in those days boys in printing-offices had very little money to invest in that species of property. I was still reading, however, on the subject of autograph collections and acquiring an interest in them which I have not yet outgrown. Like other amateurs I grew into the habit of asking distinguished people by letter for a contribution to my collection. While I did not always get what I asked for, I was quite fortunate. Of course, I was snubbed a few times, but that never caused me to relax in my work. Many years afterward I sought to obtain some specimen of the writing of John Ericsson, the inventor of the Monitor. I called at his house in New York City one day, in the hope of obtaining one of his small drawings of some portion of the Monitor, but I soon learned that the old gentleman was

very irate in his dealings with autograph collectors. His private secretary told me that he would not give his autograph to Queen Victoria or the President of the United States. I retired in good order, the single effect of this rebuff being to make me still more determined to secure what I desired. I therefore wrote to Admiral John L. Worden, stating the case fully, and suggested that I would gratefully appreciate some brief letter by the great engineer, whose invention of the Monitor no doubt saved our national capital from destruction or capture. He wrote me very kindly, enclosing a letter by Capt. Ericsson, concerning 11-inch guns which were to go upon the Monitor. The glass that covers this letter by John Ericsson also protects the reply to my letter from Admiral Worden and may be seen by any visitor to the Historical Museum.

I was especially fortunate in securing a page of the handwriting of Queen Victoria, thanks to the generous aid of Sir Theodore Martin, K. C. B. The writing is an extract from Shakespeare's "King John." Some friend had secured for me signatures of the then Prince and Princess of Wales, the present gracious King and Queen of England. I greatly desired to add to the collection some lines in the Prince's handwriting, and I therefore wrote to Sir Francis, the Baron Knollys, who had been his private secretary since 1870, explaining that I had a most beautiful page written by Her Majesty the Queen, and suggesting that possibly the Prince might be willing to favor us equally with his mother. I stated that this page would be exhibited in the English department of the collection, and that it would always be open to the free inspection of visitors, and securely preserved under glass. I felt that this could not reasonably be regarded as an intrusion, if a man ever paid any attention to autograph collectors. Sir Francis, however, took the matter in high dudgeon, and went so far in exhibiting his resentment as to write an indignant letter to the Honorable Edward J. Phelps, our Minister at the Court of St. James. Of course he bore down upon me very bitterly, as though I had committed an unpardonable sin, but after the kindly manner in which I

had been treated by Lord Tennyson, our own Longfellow, the distinguished heirs of Macaulay, Darwin, Abraham Lincoln, Gen. Grant, and scores of others of the first people of the nineteenth century, it required very little philosophy to put up with this rebuff.

Speaking of Macaulay's heirs, it may interest the reader to see a brief statement of the manner in which they treated me as an autograph collector. I one day saw some pages of the original manuscript of his great "History of England" in the British Museum, and decided at once to try and obtain one or more for my collection. I had a general letter of introduction from Governor Buren R. Sherman, over the great seal of the State of Iowa, which I sent to Sir George O. Trevelyan—a nephew of Lord Macaulay and the author of his "Life and Letters"—requesting permission to call upon him. He gave me a prompt and pleasant reply, indicating a day and hour when I should call at his residence. When the time arrived I was at his door. A servant showed me into the library where I found Sir George seated before a blazing fire. I gave him my letters of introduction. After he had read them he waited to hear me. I explained that I had a large autograph collection (then) in the Iowa State Library, to which I would be glad to add something in the handwriting of Lord Macaulay. He replied that the manuscripts of his Lordship were owned and controlled by his sister, Lady Holland—now the Baroness Knutsford. He advised me to write her Ladyship, stating my wishes and enclosing my letters of introduction. He addressed an envelope to her, in which he suggested that I send her my letters. He further encouraged me by saying he would also write to her in my behalf, and that my request would no doubt be granted. Before I left these pleasant rooms Sir George showed me a copy of Horace in the original Latin, a gift to him by Lord Macaulay. His Lordship had read the volumes several times, and when one was finished he made a memorandum to that effect on the last page. These memoranda were all the writing of Macaulay then in his possession.

Returning to my room, I wrote Lady Holland, as her brother had suggested, and in a day or two received her assurance that

The Arrow and the Song

I shot an arrow into the air;
It fell to earth, I knew not where;
For so swiftly it flew, the sight
Should not follow it in its flight.

I breathed a song into the air,
It fell to earth, I knew not where;
For who has sight so keen and strong
That it can follow the flight of song?

Long long afterward, in an oak,
I found the arrow still unbroke;
And the song, from beginning to end,
I found again in the heart of a friend.

Henry W Longfellow.

July 24. 1879

some pages of her great uncle's manuscript should be sent to my home in Iowa.

Upon arriving there some weeks later, I found a letter from Lady Holland. She enclosed two pages of the original manuscript of Macaulay's "History of England," and one of his letters to her mother which I copy herewith. It reads as follows:

ALBANY, Oct. 24, 1848.

DEAREST HANNAH: I enclose a letter which I have just received from Charles, and a copy of one of his first performances as a journalist. I think his sentiments highly creditable to him. Bring the paper back with you that Trevelyan may see it.

Our Uncle John has just been here. Poor man, he looks a mere ruin. He came up to consult Brodie. I fear that he has very little life in him, and that his remaining days will be days of suffering. I was quite shocked to see him.

I do not know whether you have heard how pleasant a day Baba passed with me. We had a long, long walk, a great deal of pleasant chat, a very nice dinner, and a quiet happy evening. She is really the very best girl in the world.

That was my only holiday last week, and indeed the only fine day that we had last week. I work with scarcely an intermission, from 7 in the morning to 7 in the afternoon, and shall probably continue to do so during the next ten days. Then my labours will become lighter, and, in about three weeks will completely cease. There will still be a fortnight before the publication. I have armed myself with all my philosophy for the event of a failure, though Jeffrey, Ellis, Marion, Longman, and Mrs. Longman seem to think there is no chance of such a catastrophe. I might add Macleod, who has read the third chapter, and, though he makes some objection, professes to be, on the whole, better pleased than with any other history that he has read. The state of my own mind is this: When I compare my book with what I imagine that history ought to be, I feel dejected and ashamed; but when I compare it with some histories which have a high repute, I feel reassured. But Alice will say that this is boasting. Love to her and to Mrs. Charles, and to Charles' bairns.

Ever yours,

T. B. MACAULAY.

Of course, I was delighted with this addition to my collection. I wondered at first that her Ladyship was willing to part with the above most interesting and valuable letter, but when I came to see that Macaulay had written scores of such

missives to his sister, Lady Hannah Trevelyan, I did not so much wonder at it. I consider it and the historic page as among the gems of my collection. They are always on exhibition in our Historical Museum. I should add that Lady Holland took occasion to enclose a certificate describing and authenticating the page of her uncle's manuscript, which accompanies it in the autograph case.

Some years later Prof. Frank I. Herriott, of Drake University, came to my rooms accompanied by Charles Philips Trevelyan, a young Englishman, grand-nephew of Lord Macaulay, who was then making a tour of the world. He was much interested in my autograph collection, saying that he never saw one even in England which surpassed it in interest and variety. I found him a very pleasant gentleman, cultured, brainy, and without a particle of the arrogance sometimes imputed to Englishmen. His card, with the date of his visit, is among these memorials of Macaulay and the Trevelyans. Later still, Sir George O. Trevelyan published a history of the American revolution. As soon as I saw it announced, I wrote him, asking for some pages of his original manuscript. He kindly sent them, and wrote me an exceedingly pleasant letter. I had mentioned the visit of his son to my collection, telling him that Charles P. could give him some information concerning it. In this letter he stated that the son had lately married very happily and that he was now a member of Parliament. He stated all this quite modestly but I could read between the lines that the father was very proud of his rising son. Later, I also received the son's portrait, and a very kind letter in which he mentioned my work as an autograph collector.

While in London, I called at the American Legation, where I was made very welcome by the Honorable James Russell Lowell. He asked me a great many questions about American politics. He is well known to have been a progressive and most independent republican. While he was talking with me he made some sharp comments upon Mr. Blaine and General Logan, both of whom were under discussion as possible candidates for the presidency. He emphatically stated that he

would vote for neither of them under any circumstances, and those who knew him were certain that he would do precisely as he stated. Personally, I was made very welcome at the Legation, and Mr. Lowell assisted me in obtaining an autograph copy of a verse from Tennyson's "Locksley Hall." He cautioned me that it would not be best to write to Lord Tennyson for he was not in the habit of making replies to collectors. Later, however, I did write to his Lordship, receiving in response to my letter an autograph copy of the lines commencing, "Break, break, break." Later still, I asked him for a page of his writing after he had passed his 80th birthday. He sent me a holograph copy of his poem entitled "The Throstle."

On one of my visits to London I wrote Sir Richard Owen, asking for a signed and dated page of his writing, with his photograph. I received in answer to this request, a very pleasant invitation to come and spend a half day with him at his residence in Richmond Park. I journeyed thither very soon afterwards and was most kindly received by the great naturalist, who had founded the South Kensington Museum. He gave me a history of this effort, how grandly he had been seconded in his efforts by Mr. Gladstone, as well as how he had been snubbed by Lord Beaconsfield. He wasted no affection upon the last named gentleman. While there, he asked me if I would like to take a walk in his garden, to which I gladly assented. The garden consisted of a lot of perhaps two or three acres, which was a thick copse of native and exotic trees. A graveled walk seven or eight feet wide went around this enclosure, and there were numerous cross-walks. We reached a rustic seat, over which hung a drooping canopy of branches, which formed a thick shade, and sat down to rest. He stated that he had sat there many a pleasant hour with John Gould, the great English ornithologist, who must have been a counterpart of our Audubon. He also mentioned Tegetmeyer, who was quite distinguished in the same direction. He stated that John Gould could imitate the notes of many a wild bird and bring it down upon the graveled walk before us. Mr. Gould had once asked him how many wild birds he supposed nested in the copse, to which Sir Rich-

ard replied, "Perhaps twelve or fifteen." Mr. Gould answered that there were fifty or sixty at least. On the way back to the house we passed a bust of Shakespeare, to which he called my attention. He said that it had been in some noted theater and had been placed there because it had been practically discarded by the owners. Later that bust was restored and placed in one of the great theaters of London, and spoken of as a find of very great value. Sir Richard lived in a house owned by Queen Victoria. Her Majesty had kindly given him the rental of it during his lifetime. It was a commodious brick structure, but singularly enough the roof was thatched. However, it is not uncommon to see thatched roofs upon otherwise very elegant houses in that country. Following me to one of the windows facing south, he pointed to a small pond which was then filled with water. That, he stated, was once the site of a hunting lodge of one of the Henrys—Henry II, I believe. He said many pleasant things to me concerning the royal family of England, with whom he was a great favorite.

Having a letter of introduction to Francis Darwin, son of the great author of the "Origin of Species," who resided at Cambridge, I went there one day for the purpose of securing a page of the manuscript of his father's book. I found him at home and had a very pleasant visit with him. He had but three or four pages of the manuscript of that immortal book, as he stated it was not his father's habit to save his manuscripts. He gave me one of these pages, and the State of Iowa now owns it.

I naturally wished to obtain some of the manuscript of Chinese Gordon, who met with a cruel death at the hands of the Mahdi in Africa. I one day called upon the publisher of his life, Mr. C. Kegan Paul, with my letter of introduction from the Governor of Iowa. I found him an exceedingly pleasant gentleman. He had been educated for the Church of England, but had changed his mind and become a publisher and bookseller. He had none of General Gordon's manuscript and said that it might be easily obtained, or it might be very difficult to get. It was worth trying, however. He gave me the address of General Gordon's brother, who was

himself a retired General of the British army, suggesting that I write him and state the case. He also said that he would write a letter endorsing my application. The letter had but a short distance to go and within three days thereafter, I received manuscripts and letters of Chinese Gordon which would readily sell for more than a hundred dollars today.

I was very fortunate in making the acquaintance of William Michael Rossetti, brother of Dante Gabriel and Christina Rossetti. He gave me fifty or sixty letters of the distinguished friends of his family, including some by his brother and his sister. I have the original manuscript of two or three of Christina's memorable poems, together with a photograph which she signed and sent me. Later on Mr. Rossetti added many valuable letters and other manuscripts to the collection. These may now be seen in a section of one of the autograph cases.

I was also placed under special obligations by Miss Agnes Crane, a distinguished naturalist, who resides at Brighton, and who was one of the founders of the great Marine Aquarium at that place, an object of much interest which I advise every reader to visit when he goes to London. Her collection is mainly in the direction of naturalists, geologists and scientific explorers. One of the writers was Nansen, the great Swedish navigator of the Arctic regions.

I would not forget among others Aubrey DeVere, the Irish poet who died three or four years ago. He was a distinguished gentleman who resided at Curraugh Chase, a manor not far from Adare, the seat of Lord Dunraven. I was indebted to him for some very valuable letters, among which were those of Carlyle, Cardinal Newman, his own father, Sir Aubrey DeVere, Cardinal Manning and Lord Tennyson. Mr. DeVere was very much such a man in manners and speech as Hon. John A. Kasson, the illustrious Iowa diplomat and statesman. But Mr. DeVere was perhaps an inch taller and larger in proportion. Since my visit to his place he has died and his life has been written by a distinguished literary gentleman. My recollections of him are vivid and my obligations to him I feel are very great.

I should mention that when I visited Mr. Lowell I secured two copies of his beautiful poem, "The First Snowfall," in his handwriting. The way I came to get two copies was as follows. The first one he sent me was written on both sides of the paper. I suggested to him that I would greatly prefer the writing on but one side of the paper, so that it could be conveniently exhibited under glass. He thereupon at once sent me another.

Really, there is such a mass of materials in my autograph collection, every item of which is loaded down with a memory more or less precious, that I am greatly embarrassed in essaying to write this article. I would like to tell the reader of other pleasant interviews with distinguished people of England and the United States, but space fails me. However, there are a few things that I shall attempt to set forth.

The Hon. Edward J. Phelps, our Ambassador to England, who succeeded Lowell, was one of the pleasantest and most agreeable gentlemen it has ever been my good fortune to meet. He told me that he thoroughly sympathized with me in my efforts to increase my collection, and that he would help me in every possible direction, as he did upon many occasions. He said to me one day, "I have a brother in Burlington, Iowa, who has been a local judge. When you go to Burlington, please call upon him and tell him of the pleasant interviews we have had." Not long after my arrival at home, I did visit Burlington, and had it in mind that while there I would certainly call to see Judge Phelps. I had spent an evening at the residence of Col. W. W. Dodge, the son of Hon. Augustus Caesar Dodge, and at that time a State senator. The evening was one during the full moon, and it was almost as light as day. Passing through the little park as I descended the hill I saw a stranger coming in at the opposite corner. It occurred to me at once that this was Judge Phelps, and when I met him I accosted him and found that my supposition was correct. I told him that I had intended to call upon him, but that this meeting must suffice as my time was limited. I found him an exceedingly attractive gentleman, who seemed highly pleased with what I had to say about his distinguished brother. Not

Mauchline 29th Sept^r 1788

I send you the book, my dear Sir, along with this letter by our Mauchline Carrier. — I am just arrived from Nithsdale, jaded & fatigued to death, so I shall ^{only} say, the book is to me as a right-hand, & a right-eye, so I know you will take proper care of it and return it soon. — Drop me a line by post on return of Carrier, if the book comes to hand. —

I am most truly, My D^r Sir

Yours
Robt. Burns

many months later I was deeply pained to learn that both were removed by death. I regretted this most sincerely, for they had given me distinct evidences of friendship and both were honored and useful men. The Ambassador was one of the finest legal scholars in the United States and a born diplomat. As a man of great affairs he did not suffer by comparison with James Russell Lowell.

While I was still in England I had the precious privilege of hearing Spurgeon preach in Exeter Hall. Later he responded to my application and sent me a kind letter, his photograph, and several engraved portraits, with some pages of his manuscript. One of these was the memorandum of a sermon he had preached, written on both sides of a page not larger than one's hand. I was also indebted to George Augustus Sala, the distinguished novelist for similar gifts. I acquired a military order signed by Sir John Moore whom

We buried darkly at dead of night
The sods with our bayonets turning.

Letters and portraits of the Duke of Wellington; fine letters of Cowper, Burns, Hogg the "Ettrick Shepherd"; a little fragment of the writing of Charlotte Bronte, accompanied by a letter from her father; some pages in the beautiful manuscript of "George Eliot"; letters by Mrs. Hemans, George Meredith, Blackmore, who wrote the great story of "Lorna Doone"; Huxley, the world-renowned scientist, Sir Joseph Hooker, who did so much for the world's botany, Boyd Dawkins, who investigated the mounds and bone caves of England and France, were acquired and scores of others.

In American literature, I have a large collection including such names as Longfellow, Bryant, Whitman, Lowell, Bayard Taylor, Stedman, Whittier, Edgar A. Poe, Thomas Bailey Aldrich, George William Curtis, James Whitcomb Riley, "Mark Twain," "Bill Nye," "Bob Burdette," "Josh Billings," William Lloyd Garrison, Harriet Beecher Stowe, Helen Hunt Jackson.

I also secured a set of the letters of the Presidents of the United States. with the exception of Andrew Johnson and General Taylor. Of these two names, however, I have several

signatures. Neither of them wrote much and their letters are practically impossible to obtain. There are also letters by such men as Salmon P. Chase, James G. Blaine, William H. Seward, Joshua R. Giddings, "Old Ben Butler," Fred Douglass, Booker T. Washington and many others.

While making this collection I have secured some valuable manuscripts which have been placed in fine bindings. Among these are the following: The manuscript copy of the address delivered by Gov. Kirkwood at the dedication of the monument to Gen. N. B. Baker; the manuscript of an address by the Rev. Dr. William Salter, of Iowa, in presenting the oil portrait of Judge Francis Springer, who presided at our last constitutional convention; manuscripts of Henry Ward Beecher and Phillips Brooks; the first inaugural address of Governor William Larrabee; the farewell address to his old regiment of Gen. James A. Williamson, who had just been promoted to brigadier-general; letters from the correspondence of Gen. James M. Tuttle, at Des Moines—including the names of Grant, Sherman, McPherson, Logan, Kirkwood; two beautiful volumes of nearly one hundred letters by the territorial governors of Iowa, Robert Lucas, John Chambers and James Clark; four volumes of letters from the correspondence of Hon. John A. Kasson—including four letters by Abraham Lincoln, with others from Senator Allison, Kirkwood, Grant, etc.; one splendid volume from the correspondence of Gen. Joseph M. Street, the great Indian Agent who spent the better part of his life at Prairie du Chien, and at Agency City in Iowa, at which last place he died and was buried. This last collection includes letters by Presidents Madison and Monroe, Henry Clay, and many illustrious men of that period. Among the volumes of letters from the other side of the water may be mentioned those of Rossetti, Edward H. Freeman, the historian of the Norman Conquest, Gilbert White, author of "The Natural History of Selbourne," Rev. George Crabbe, "the poet of the poor," Austin Dobson, the Rev. Bishop Stubbs, Haeckel, the great German scientist, and others which have not yet been put into binding. Upon the exhibition of these bound manuscripts at the St. Louis Exposition, I was, in 1904, awarded a gold medal.

In the section devoted to the Union Army we have letters by Grant, Sherman, Sheridan, Logan, Dodge, Williamson, McPherson, Hazen, Hammond, Scott, Curtis, Rice, Crocker, Brackett, Hunt, Sickles.

In the section devoted to the Southern Confederacy, there are interesting letters by Jefferson Davis, Mrs. Davis and their daughter, Miss Winnie Davis. Letters or other specimens of the handwriting of Generals Joe Johnston, Beauregard, Hood, Pickett, Longstreet, Mosby, Admiral Semmes, Kirby Smith, Tombs, Wigfall, Mason, and Slidell. An important and valuable letter by Gen. Robert E. Lee was presented to me by Gen. G. M. Dodge.

In the Iowa section there are letters by our U. S. Senators, Governors and Judges of the Supreme Court. Especially fine are the mementos of Jones, Dodge, Grimes, Harlan, Allison, Kirkwood and Wright.

We have the commissions of Gen. Henry Dodge, the first territorial governor of Wisconsin, when that territory included what is now the State of Iowa. These commissions bear the signatures of the Presidents from Madison to Polk. We also have the order book of Gen. Henry Dodge, which he carried through the Black Hawk war. Some of his commissions were issued to him by Meriwether Lewis and William Clark when they were governors of territories. We have many commissions which have the signatures of Lincoln, Grant, Johnson, Harrison, Hayes, McKinley and Roosevelt.

The work of autograph collecting is by many good and great people deemed of very little consequence but it has proven a great satisfaction to me ever since I started it in the office of the little country newspaper at Warren, Pa. The fact that several multi-millionaires are now engaged in the pleasant pastime may have a tendency to endue it with high respectability. But Carlyle, and our great Emerson, denounced the entire fraternity in the worst language they were wont to command. In the case of my collection, I may, however, say that it was the foundation of the Historical Department of Iowa, and that it is visited with every mark of interest and approval by hundreds of people of our State

every year. It has had the substantial aid of some of the greatest men and women at home and abroad. Really, in spite of any adverse criticism, it "has done the State some service and they know it."

Mention should be made here of the cases in which this collection is carefully preserved under glass and in such convenient shape that visitors may see it at their pleasure. A little drawer or horizontal picture frame is pulled out and you have before you letters and small portraits of some distinguished person. Manuscripts are well known to fade when exposed to the light. These are secluded from the light except for the brief periods when they are under observation. The general form of these cases was designed by me. I had the aid of Hon. Robert Finkbine in reducing my rough drawings to shape. The cases answer their purpose admirably. They have been copied in the Masonic Library at Cedar Rapids and in the libraries of Boone, Council Bluffs, Oskaloosa, and partially in Burlington. Inquiries in regard to their style and the expense of manufacturing them have come from the libraries of Omaha, Denver, St. Paul and other places, but I am not informed as to whether any have been manufactured.

THE UPPER DES MOINES VALLEY—1848.

The manuscript of the article printed herewith is a fragment of a journal found among the papers of Edwin Goddard of Keosauqua, Iowa. While the author's name is unknown, the journal is valuable for the minute and very interesting description it gives of the country explored. With the fragments there were found two pencil sketched maps respectively of the St. Anthony Falls and the Fort Snelling localities on the Mississippi, drawn to a scale of two miles to the inch.

Mr. Goddard was a careful collector of materials bearing on the settlement and civilization of Iowa and the west. He served as a private in Co. F, of the Second Iowa Infantry, being severely wounded at the capture of Fort Donelson. He

I am satisfied that we are north of the north boundary of Iowa and on the edge of the high country, the Coteau Des prairies, of Nocollet. We will go up the river to Morrow get to the River East for the Mississippi

Friday July 7th 1848 The valley of the desm oignes, during the day has generally north, but the stream, has pursued a serpentine course as its generally old course was over the high prairie generally north, very broken with many high ridges & nobz, highland on our west timber perceptible which must be at lakes on the top of the Coteau Des prairies which is the divide between the waters of the Mississippi & the Missouri rivers, at 3 miles cross a little branch falling in from the west 3 feet wide deep and broke running where we crossed but at some places wider and flatter some scattering timber down to valley, mostly big oak, nine miles reach a point of timber on a deep ravine and one half mile farther a brook similar to the one last described. The valleys of these little streams here is very deep away to the elevation of the water will

was recorder of Van Buren county. His residence was continuous in Van Buren county from territorial days until his death in 1881. A mass of his collected papers was found by the writer in 1906 while renovating the old court-house at Keosauqua, and they have been added to the collections of the Historical Department.

E. R. H.

June ²⁸/₄₈. Leave Fort Des Moines at 9 o'clock morning. In company with A. Randall & — Lott.

Up Des Moines $1\frac{1}{2}$ miles on old trail under bluffs Strike prairie & main road up E side of River. Pass grove 8 miles from Fort and travel parallel with river at a distance of from 3 to 5 miles from it. 15 miles at 1 o'clock Stop one hour at Bebes for dinner. The timber appear to be of good quality and to extend out to a distance of several miles on the small creek. Big creek is 30 feet wide with a depth of 20 inches and is some 25 miles long course south nearly. Bebee has a fine location on this creek formed by an elevated situation of prairie between the timber & creek 3 miles from river. The Ridge between this creek & the River is of gentle ascent good 2nd rate soil and covered with a growth of white Bur & Red oak and hickory suitable for farming purposes. 2 or 3 miles the prairie opens to the west bearing southwest where we leave the timber. the prairies after leaving the timber a short distance is much obstructed with small ponds or basins and has no regular ridges & divides & valleys as we have farther south In fact all the prairie that I have seen north of Fort Des Moines appears to have a different character from that south having but few small streams, all the water being drawn off by these basins or depressions, they vary from $\frac{1}{2}$ to 10 acres and are generally miry & producing falgg Bull Rush or a large kind of cane grass there is however many desirable localities on the margins of the prairies where the highland break off such places affording good water in never failing spring & the ridges & slopes towards the river are well timbered Points project far out into the prairie a few miles apart where an abundance of good water is mostly found The prairies are generally flat with the exception before stated and from the appearances in the ravines are underlaid with a stiff clay sub-soil that prevents the speedy sinking of the water from the basins before spoken of, so that the water scarcely ever dries up in some of them that have scarcely any depth The elevations in the prairie appear to be gravelly and freely take up the water that falls on the and probably may be the cause of the ponds continuing full so long. Reach Peas point after passing a number of handsome locations for farms at most of which a commencement has already been made, though many have only marked out the place for a future farm.

29. Peas has a handsome location for a farm excellent dry prairie & good timber joining it, is three miles from Des Moines. Proceeding north the prairie opens to the west and extend far towards the river & farms appear to be making along its margins. The prairies along the trail still possess the same character as described yesterday [ponds] and rather approach the timber more nearly. at a distance of 10 or 12 miles from Peas we reach what is called by some the Mineral Ridge though we saw nothing to justify even calling it so, except that the [mounds] partake in some degree of the form of this in mineral regions.

This Ridge appear to extend from the Des Moines to Skunk river and probably farther the mounds are from 75 to 120 feet above the level of the surrounding prairie being about on half or $\frac{3}{4}$ of a mile wide at the base stretching east and appearing to widen as they approach Skunk no stone to be seen on the mounds except granite boulders and ricks of a primitive character detached. From this range we have a fair view of a small grove of timber E. N.E. 9 or 10 miles said to be at a lake near the head of skunk or Checauqua river. no other timber perceptible of East. One mile north of the Ridge past the township corner of T. 85 & 6 Rang 26 & 7 Heare again the prairie stretches several miles west toward the Des Moines river. it is flat and has a great number of ponds, and the route is many times circuitous. at about 4 miles from the Ridge past an elevated mound $2\frac{1}{2}$ or 3 miles east in the flat prairie at 5 miles prairie runs up to bluff 150 feet high generally not so abrupt as to prevent the growth of timber on it. The prairie bears a N.E. course from this bluff, the river here running S.S.W. fine looking prairie both bottom and upland on the opposite side interspersed with groves of good timber fine spring along the Bluffs one mile north of this place is the mouth of the East fork, or Boons, or as called on some maps Cottonwood, River, not so large as Racoon river probably makes $\frac{1}{4}$ of the Des Moines below it. On the Bottom above the mouth of this stream are two considerable mounds supposed to be artificial one of an oblong shape the Bottoms are from one half to one mile in width then the bluff rising to the level of the prairie so steep that it is not convenient to ride up them. About on half mile above the East fork on the E. side of the Des Moines is the furthest up that any settlement has been made. Henry Lott settled here in the spring of 46 and was robbed by the Sioux Indians in the latter part of that year and has abandoned it for the present. On the top of the ridge east of the house where Lott lived is a level prairie. I think it is one of the prettiest I have seen on the river, it is dry so what [lower] in the middle and has the best quality of timber around it. North after crossing a narrow belt of timber the prairie stretches of N.E. between a small creek and the East fork. The prairie appear to be good with fewer ponds. Above Lotts 2

miles is the mouth of a creek 20 feet wide falling into the Des Moines. on this creek near the mouth the Sioux Indians robbed Henry Nothington and Boman last fall. On mile farther up the river at the foot of a steep hill 175 feet high is the line of the Neutral Land the present location of the Winebago tribe of Indians The course of River south bottom—on west side from $\frac{1}{2}$ to $\frac{3}{4}$ wide but little timber on the bottom—back from river said to be of first rat quality extending 3 or 4 miles west. one and a half miles further north the River makes a great bend to the west Prairie bears N.E. up brushy creek. This prairie is of better quality than any I have seen above the fork of Coon and Des Moines considering its extent, though it would generally be thought to wet in many places for cultivation

There are many desirable locations around this prairie for making farms the best quality of oak timber around the head of the ravines, all of which are abundently supplied with springs. At a point 9 or 10 miles above the Neutral line the prairie bears off N.W. where we presume the mouth of Lizard to be we will see however when we reach it. All the points round this prairie with but few exceptions present fair prospects for settlements The only thing objectionable is the number of little ponds met with the moment you leave the timber in many parts of the country. The River timber here is from 2 to 5 miles wide in most places and of good quality. After leaving the point last spoken of we come some 5 or 6 miles N.W. to this point and camped at the hed of ravine at the timber, quite a handsome location for a farm provided a man wished to make one here.

July 1st, 1848. This morning we visited the river from which we are now about one mile The bottom on this side is not more than $\frac{1}{4}$ of a mile wide bluff on the west side washed by the river Here on a small Brook at an elevation of 80 feet above the river is deposits of Plaster Paris to the depth of 18 or 20 feet which appear to be of good quality it is found in abundance on both sides of the river and appears to be inexhaustable. The place may be known by a bluff on the west side that has been nearly cut away by a brook the lower end is elevated from the river about 30 feet, and up the river it rises abruptly present an appearance of coal and Iron [bank] on that point is the [nearest plaster] that is found to the river. The river at this point runs S.S.E. is about 250 or 300 feet wide from on to 2 feet deep brisk current, handsom banks and bottom. by a more minute examination the Gypsum is found to extend farther up the brook on the East said [side] and compose quite bluffs on each side of the same som places to the height of 20 feet. A strata of soft sand stone lies a few feet below. The ridge between the Brook & the river is flat and rich covered with a growth of hickory Lind

Black Walnut red oak & about the bluffs Lind white walnut sugar tree Ironwood. On top of flat white oak and near prairie Bur oak & hickory. The Soil is better here than general in timber and is mostly covered with pea vine and other vegetation denoting good soil.

July 2nd. After making more thorough examination of the Plaster Paris this morning which we find more abundant than had been anticipated, we travel N.W. 3 miles and passing two points of timber on our left a high grove on the right, we strike the DesMoines bearing S.30°.E. this we suppose to be the point at which the centre line of the Neutral Ground crosses the river, on its continuation towards Lake Boyer. Round the points and the curves in the timber are some of the most desirable locations for farms that I have met with on the Des Moines. The prairie rises butifully from the timber Surface undulating but very few of those basins or ponds so commonly met with farther South. The soil is dry and rich and the timber adjoining of the quality of white Bur and Red oak, some hickory, good water is found in all the points of timber.

The prairie here runs up on both sides to the margin of the river, where it slopes down to the waters edge making a bank of from 18 to 25 feet high to the level of the bottom. the bottom are from 3 to 600 yards wide generally rising back towards the hills dry & suitable for cultivation. the hills back of this rise from 75 to 90 or 100 feet but not so abruptly as to prevent travelling any direction over them.

The scenery at this place is the finest I have seen on the river. from the hills the DesMoines is to be seen for 3 miles winding its course through the green prairie, with a stripe of a deeper hue immediate at the edge of the water. the current is brisk but not rapid width 250 to 300 feet. opposite where we touched the river is a bluff of dark coloured slat or shale with a small grove of timber extendding a short distance back. The prairie here bears N.W. we north to point one mile The prairie here bears west to river which make a considerable bend west. N. some West over rolling dry prairie strike the river from north one mile along prairie bottom on both sides reach a rocky Branch 12 or 15 feet wide not much water above this a low bluff sets in on the side for $\frac{1}{2}$ mile limestone from 20 to 30 feet high. west side prairie, timber between the bluff and creek back some distance. here prairie comes again to the river for $\frac{1}{2}$ mile cours N- to a point of timber into prairie Timber on west side of river running out some distance. from description must be the place where The Sioux Indians murdered the Delawares in 1841. one mile strike river at the head of prairie bottom at a rapid, where the river fall probally 2 feet in 100 yards over a bed of limestone, open prairie on the west and a sandstone bluff timber as far

as we can see up on this side. Think the East fork must be within a few miles.

From here we followed a north west course struck timber at the distance of $\frac{3}{4}$ of a mile and a Brook 8 or 10 feet wide from N.E. and one half mile travel north brought us to the mouth of Lizard creek a small stream from the west from 30 to 50 feet wide near the or at the mouth surrounded with high hills and limestone bed and banks to the height of several feet. This is a good mill stream and in the afternoon as we travelled over the hills considerable bodies of timber were perceptible on and about in valley.

Course from here N.E. at $\frac{1}{4}$ mile bluff approaches river at 130 feet high sand stone shale, and here the plaster paris again makes its appearance though not in such quantities as below. After ascending the bluff and passing $\frac{1}{4}$ mile over a flat rich soil well timbered with Bur and red oak, Elm, Lind hackberry & some sugar tree a beautiful prairie of small extent stretches of East rich dry and level surrounded except the S.E. end with the kind of timber spoken of of all the desirable places I have seen this I think excels We passed the west end and continuing our course through the woods one mile struck the open prairie, considerable timber off east on the head of brook passed below the mouth of Lizard.

July 3d 1848. Start at 10 o'clock pursue a N.E. course over the bluff through timber the bluff is some 40 feet high the land running back level as far as we could see for the thick growth of timber, good soil, covered with a tolerable growth of Red & Bur oak Elm hickory some lind & Ironwood small brook from the East rocky bottom but little water. 2 miles cross river and leave bottom course north over dry rolling prairie Timber at points on E side of river and at 3 miles appear to be a small creek falling in from east, could not tell the size. At about 5 miles reach The Moingonan or Brother fork it is difficult to tell at the junction which is the larger of the two rivers. The East Branch seems to be as large as the main fork but looks rather more deep and sluggish near the mouth at the junction the width of each stream is from 125 to 150 feet wide and an average of 2 feet deep, brisk current rock bottom and banks up 3 or 4 feet. There is but little timber about the fork but both streams seem to have timber farther up.

There is no timber in the forks, but $\frac{1}{4}$ of a mile up the Moingonan north a grove sets in running north along the point of the ridge between the Rivers and there seems to be considerable timbered land north on the same river.

North 20 west 3 miles past the point of grove on the main or west branch of the Des Moines grove bears N.W. & S.E. and looks like it extends down to the river bur and red oak. The prairie here is generally dry and rolling with occasionally a slue or pond, the bluff and hills here appear to be much lower than a few miles

below N.W. one mile past the [Iron] bank where Capt. Allen [crossed] on his first capaign in [1844] There are many elevation over the bottom prairie, here covered with small particles of limestone of from $\frac{1}{8}$ to $\frac{1}{4}$ inch thick and from $\frac{1}{4}$ to 3 inches square. the stone appears to be near the surface in many part of the low ground and the bed of the stream is principally limestone, current brisk stream not to exceed one hundred feet wide.

Continue N.W. 3 mile no timber on north side scattering groves on south come to river again at bend, small willow Island, no timber except scattering trees along the margin for some distance up and down.

River bears west several miles course N.W. to south point of a high grove running N. & S. along the top of the bluff between the high and low prairies after passing the south point of grove $\frac{3}{4}$ of a mile strike the river bearing south, course to fort N. 5 miles, above forks 18 to 20 miles N.W. The river below this runs south 3 or 4 miles, thence E. to where we left it. good groves of timber about the bend from appearances, but narrow down for some distance below this point.

July. After striking east across the grove on to the high prairie and following the grove $2\frac{1}{2}$ miles N. with two or three bluffs washed by the bends of the river, we take a course for a point of timber up the river N. 30° W. at $2\frac{1}{2}$ miles pass the mouth of a small stream 8 or 10 feet wide keeping the course of the highland. at 1 mile farther cross the stream above spoken of, which we called Allen's run from the difficulty Capt. Allen experienced passing it on his expedition. he says it head in a small lake or large pond some miles north. The prairie here is much cut up with slues and irregular elevates, and would be difficult to pass in wet season. The grove we passed this morning was principally bur oak some red oak & hickory, the prairie adjacent of good quality for cultivation. abt the mouth of Allens creek the timber appear to be narrow and mostly confined to the bottom along the margin of the river. Elm & maple, some bur oak. At 10 miles strike a point of timber in the river bottim at a slue or old channel of the river geese & duck abundant sign of otter on the bank and some signs of elk in the bottom prairie. the low ground here are rather inclined to be wet with a high heavy coat of grass difficult to get through.

Strike N.W. to small clmp of trees that seem to be in prairie, at $2\frac{1}{2}$ miles come in sight of elk on an elevation. they had the wind of us and could not be approached. I attempted to go round through the bottom and get a shot at one whilst Mr. Randall would go north but did not succeed. they had the wind of us and commenced gathering on the rise snuffing and looking at us, all marching up into line to take a look at us and then they bounded of over the prairie North. there were 52 of all sizes from the young fawn to the old

buck with his majestic horns. at 14 miles reach small grove before spoken of which proved to be some tall willow trees on the edge of a slue or lake about 50 feet wide bearing along the foot of hills, E. S.E. at this point there is some current and the water is passably good gees young & old in abundance much sign of elk along the bank the bottom between this lake and the river appear to be dry and level and about one mile wide.

July 5th. course N.W. for first 2 miles come to a small creek 8 or 10 feet wide probably the outlet of some lake up north in the prairie and supplies the lake where we camped last night, and appear to be the only branch flowing into it. 2 miles further N.30°W. come to a lake one mile long and from 2 to 300 yards wide. The prairie here abounds with small lakes where you leave the river any distance. They are generally connected by irregular slues, or outlets, with elevation of the same irregular character sometimes rising into mounds and at others running off to a distance.

After travelling a distance of 14 miles 12 of it on the course last spoken of over a country such as described we reach a butiful lake of some 4 miles in length and from $\frac{1}{8}$ to $\frac{1}{2}$ mile in breadth. General course N.20°E. The land around this lake is fine as could be desired for farming purposes, sloping toward the margin of the water just sufficient to make the soil dry and pleasant. Some of the points along the lake are pretty well timbered but not sufficient to supply the purposes of farming extensively on the rich land adjacent to the lake at least not sufficient to induce speedy settlements. The timber as far as I could see appeared to be bur oak with some ash & occasionally a cottonwood. there is a handsome little island about half way down the Lake, covered with a rich looking growth of timber and just east of the island is a grove of good looking timber. This Lake appears to have no name on any of our maps if indeed a location on Nicholet map or any other, and we took the liberty of giving it the name of Swan Lake from a flock of swans being the first thing that attracted our attention on reaching its shore. This would be a most desirable location for a residence, the land rises gently from the firm and pebly margin of the clear chrystal water back of a great distance, giving just such an appearance to the country as a person fond of fine scenery would be delighted with. There has been no human being about this part of the country this summer or last spring. The Indians do not frequent this part except late in the fall or during the winter, they have a more abundant field of operation for the summer in the pursuit of the buffalow more north & west. I can see no remains of buffalow on the prairies probably they are hidden by the grass. We have not seen a deer since we left our camp below the mouth of Lizard Creek a distance of over sixty miles. From the maps as near as we can judge we must now be within 10 miles or less of the boundary line of Iowa

on the North and cannot be many miles east and south of Spirit Lake.

July 6th. This morning is cold after the rain of last night with a strong N.W. wind about 11 o'clock start a N.W. course after going one mile North to pass the head of this lake. The prairie from here to the river a distance of 6 miles slopes gently towards the river which pursues a S.E. course from 2 to 3 miles to left of our rout. The soil is fine and but few places too wet for cultivation, and I was surprised to find so handsome a country in the vally of so small a stream. At $5\frac{1}{2}$ miles reach a brook 10 feet wide water 10 to 12 inches deep, current brisk muddy bed and banks, running south supposed to be the outlet of some lake in the highlands off N.E. as we can now see timber that [course] which we suppose to be on the bank of a cluster of lakes laid down on Nicolet' map about this point and which have outlets to the DesMoines. At 7 miles reach the river running south. the Des Moines here is from 25 to 35 feet wide water from 12 to 18 inches deep on the rapids or where it runs over gravel, though between those points it is wider more sluggish & deep sometimes 60 or 70 feet wide and 3 or 4 feet deep. The stream is remarkably crooked here and the banks muddy and alluvial bank from 8 to 10 feet above the level of low water, but not appear to be subject to inundation.

The timber consists mostly of a narrow fringe of elm, maple and willow near the edge of the water and occasionally a few black walnuts and some small ash on the bottom. There just sufficient of timber along the river in many places so as to enable the traveller to define the course of the stream. The DesMoines here is about the size of the North of the three rivers below rackoon and in government survey would be called from 50 to 100 links wide at various places. cross the river & pursue a course nearly North along the foot of the hills and over the points which are here high and run in all directions. the points are generally filled with grael som of limeston but most of granite of various kinds The soil is dark and rich looking inclined to be sandy generally producing a luxurient growth of grass except on the higher parts where I infer the dry season has ca[u]sed it to be short on the more elevated and dry situations. West & N.W. of us at a distance of from 5 to 10 miles on an elevated hilly country we can trace a line of groves along some lakes which we thought likely was the east end of Spirit Lake as from where we now are we must be within from 5 to 15 miles of the east and N. end of that lake. Strike the Des Moines 7 miles from where we crossed at a bend and camp for the night, one half mile south we crossed a pretty little brook of from 2 to 4 feet wide with a fringe of willow and occasionally a cottonwood or elm tre the bed is deep and current brisk on to two feet water except at riffles. This may be the outlet of the Lakes on which we saw the

timber supposed to be Spirit Lake but looks like it could not pass water sufficient to drain the extent of country around where we could trace the timber and which we suppose to be the lake. Spirit Lake is the head the little Sioux River and flows south. This may still be an outlet on the North and East as those lakes frequently have outlets at different points flowing into different rivers. or the small stream we crossed may be from some small lake that is not connected with the timber we saw.

On our rout during the evening we could see groves of timber off East on the high land East of the river which groves on the margin of the numerous lakes scattered over that country between the DesMoines and Blue Earth rivers, most of those on which we [can mark] the timber appear to flow into the DesMoines and in our rout after crossing the river we could distinctly see vallies leding down from the east with streaks of timber which we supposed wer[e] the outlets of the lakes. There is no means of tracing up their connection without spending much time an labour

I am satisfied that we are north of the north boundary of Iowa, and on the edge of the high country, the Coteau De Praire of Nocollet. We will goo up the river tomorrow yet & then turn East for the Mississippi

Friday July 7th 1848 The valley of the Des Moines during the day has generally North but the stream has pursued a serpention corse as it generally. Our course was over the high prairie generally North, verry broken with many high ridges and nob's, highlands on our west timber perceptable which must be at lakes on the top of the Coteau De Praire which is the divide between the waters of the Missouri & Mississippi rivers. At 3 miles cross a [slender] branch falling in from the west 3 feet wide deepe and brisk running where we crossed but at some points wider and sluggish. Some scattering timber down its vally, scrubby bur oak. nine miles reach a point of timber on a deep ravine and one half mile farther a brook similar to the one last described. The vallies of these little streams here is very deep owing to the elevation of the prairie west

From here we strike N.E. towards the DesMoines and decend the high points towards the river which is here running a south course nearly. Timber on both sides though but little on the west for some distance above this. The stream her is at this time from 25 to 40 feet wide with one foot on the riffles, it rises 7 feet and is then 100 feet wide. Here for the first time we discover fresh sign of the Indians a on rising the bank to the prairie on the east side of the river we find an encampment which had been vacated some 10 or 12 days there had been 4 lodges and from the looks of things they had been successful in hunting the buffalo, &c. We encamped here but kept a more close lookout than common as this

is the first marks of the Indians that we have seen that have been made this season

July 8th Slepte badly not on account of Indians but musketoes. Make an early start. Strike East a little north to a point of timber perceptible to us yesterday from the high hills on the, from where we took the bearing knowing we could not see it from the vally 12 miles strike S.W. arm of a handsome lake it stretches round after running 2 miles East to where there is an outlet south 20 feet wide & 2 feet deep flowing out rapidly probably on account of a heavy N. wind. This outlet we followed down until we concluded from its south course it must flow either into the East or West branch of the des Moines. We then returned & followed the lake round further N.E. for one mile and there took our course East for a body of timber about 5 miles where we arrived at sun down and which proved to be a lake extending for several miles in a direction nearly N. & S. with points putting in from the East covered with a good growth of oak timber and generally elevated. The prairie passed over today was generally of a fine quality & is not full of knobs & slues as some we have travelled over Soil of the richest quality. I do not recolect of passing any portion of prairie of a similar character that is better adapted to cultivation as far as soil and handsome locality is concerned.

JUDGE JOHN F. DILLON.¹

BY EDWARD H. STILES.

The retirement of Judge Dillon from the bench was the occasion of profound regret; so strikingly and spontaneously profound that I cannot omit some of its public expressions, as they will serve to throw light upon his character as a man, upon his fitness as a Judge, and strongly tend to establish proper estimates of both, as well as to confirm what I have already said or may hereafter say in that behalf.

His letter to the president tendering his resignation was dated May 26th, 1879. By its terms it was not to take effect until the first day of the following September, in order that in the meantime he might dispose of the unfinished business, and his successor be enabled, if nominated and confirmed be-

¹The first instalment of Mr. Stiles' article appeared in the April ANNALS. The portrait accompanying that part of the article was made about the time of his removal from Iowa (1879). The one which appears in this number represents him at the present time.



John F. Dillon.

fore the adjournment of congress, to qualify in time for the fall terms. He was notified that his resignation had been accepted, on the eleventh of June, through a letter expressing the regret of the president and that of the attorney-general for the loss the judicial service of the government would sustain by his retirement.

The bar of every State embraced in his circuit took prompt action through meetings, resolutions, addresses, and other testimonials to show their personal affection and their ardent appreciation of his rare qualities and valuable services. They were of no ordinary character, and from some of them I make brief excerpts. The following are from an address presented by Mr. A. L. Williams, late Attorney-General of Kansas, on behalf of the Kansas bar at the opening of the June, 1879, term of the United States Circuit Court at Leavenworth, Mr. Justice Miller of the United States Supreme Court, presiding:

It is seldom, we believe, that there is mingled in so great a degree the respect and admiration due to an able and upright Judge with the tender regard which only characterizes sincere and intimate friendship as may be found in the case of the bar of your Circuit towards yourself.

We can not hope to add by this tribute anything to your great fame as a Chancellor and Judge. Neither can we extend your reputation as a philosophic student and writer upon the law, already firmly established amongst all Anglo-Saxon people.

The bar of your Circuit owe you a debt of gratitude for many things, and not the least for the uniform help and encouragement you have ever extended to young practitioners. Your unfailing patience, the stimulus of your approving smile, your genial obliviousness of the crudities of the young lawyer struggling for a place with his abler fellows, have endeared you to both young and old, and taught us all lessons of charity and forbearance.

You have taught us not only that there is no excellence without great labor, but how marvelous a degree of excellence labor united to probity of conduct may attain. We behold in you one who owes nothing to fortune, and but little to preferment: one who has risen by force of merit alone. No envy or detraction can shadow any honor you have received, or any fortune with which you may be endowed, for it must be admitted on all hands that every step in your ascending ladder has been fairly and industriously scaled. You have ever impressed upon the laity no less than the bar, by your clear and comprehensive judgments, that law is a rational and coherent science, the end of which is justice. Your decisions have

always been illustrated with clear and judicious expositions which satisfied the reason and convinced the judgment. Your practical intellect has always penetrated the husks of discussion to the kernel of controversy, and your conclusions have not only met the approval of the bar generally, but for the most part have been acquiesced in by counsel whom your judgments have defeated.

A term of this Court has not only been regarded by the oldest and most experienced of our practitioners as a school where the better parts of their profession were ably taught, but it has been a source of pride to us all that, as counselors here, we were assisting in as pure and efficient an administration of public justice as is possible anywhere.

Following the address remarks were made by several distinguished members of the bar. These extracts are from those of Mr. Geo. R. Peck, sometime President of the American Bar Association:

This is no time for praise, unless it comes from the heart. What I could wish to do is to impress upon this proceeding that it is a tribute, not to the Judge, but to the friend. As has been so well suggested by Mr. Williams, no motive for mere compliment exists. Whatever may be said here is the genuine and spontaneous feeling of the heart, or it is nothing.

Genius may inspire admiration, but it is only the kind and sympathetic heart that can win affection. Judge Dillon's crowning glory is that goodness and greatness which have endeared him to all, and especially to those who, by reason of their professional duties, know him best.

I ought to speak of his learning, known and recognized by jurists and lawyers everywhere; of his legal writings, which are cited as authority in the rude court-room of the frontier and in the classic walls of Westminster Hall; of his industry, that devotion to the laborious duties of his station which has enabled him to do what I believe no other circuit judge has done—to hold two terms of court in each district of his circuit during every year of his administration of the judicial office; and when we remember that his circuit is an empire extending from the British possessions to Louisiana, from the Mississippi to the mountains and beyond, it seems almost marvelous. I ought to speak of that high sense of duty which governed all his judgments, and by which he measured all rights in the just and even balances of the law; of that clearness of vision which guided him straight through all our fallacies and all our argumentation to the very heart and truth of the matter; of that dignity mingled with human sympathy, which made it plain to all men that here was a man who never forgot that he was a

judge, a judge who never forgot that he was a man; of that strong sense of justice and equity, that hatred of wrong and oppression, which were so marked in his judicial character, that I have thought if, like Sir Matthew Hale, he should enter unheralded the court-room of the unjust judge, robed only in a miller's coat and hat, all heads would bow and tongues exclaim, "This is a judge"! I ought to speak of our pardonable pride that when that venerable institution of learning, seated at the commercial gateway of the continent, with wealth and power at its command, sought to find the one man who could fill a most important chair, she reached her hand across the prairies and plucked this flower of our western civilization. But I have no heart to speak of these things at this parting moment. I can think only of his goodness, his kindness, and his sympathy. I know not whether a lawyer's prayer can avail anything in the chancery above, but, speaking for all my brethren of the bar, if I would take him by the hand—that hand which has led us all so long—I would say, good bye, and may God give you peace, health, strength, and happiness, always.

And these from the remarks of Mr. Robert Crozier, Chief Justice of the Supreme Court of Kansas, on behalf of the State judiciary:

Before the advent of Judge Dillon, as Judge of the Eighth Circuit, we were prepared, looking to his former reputation as a jurist, with which we were to a considerable extent acquainted, to welcome him with glad faces and hearts, and we did so. We have all looked to the recurrence of his terms as seasons when we might be enlightened by his luminous exposition of the laws and the acknowledged justice of the decisions he made. After an experience of ten years, I can now say, for the judiciary of the State, that our highest expectations have been more than satisfied; and now that the fates have decreed there shall be a final separation, our admiration is as glowing as at the beginning.

Mr. Justice Miller then said:

The Court is in full sympathy with the bar in the sentiments which have just been expressed in regard to the retirement of one of its members. Judge Dillon's resignation is a loss which must be felt by the bar of the Eighth Circuit, by the people among whom he has administered justice so long and so well, and by his associates on the bench of which he is about to take leave. This loss, however, is not equal to its effects upon all these classes. His brethren in the courts, who have co-operated with him in the arduous duties of a judge, who have received his aid, who have been with him in council and shared his labors, are the heaviest losers. It is,

therefore, eminently appropriate that they should join in testifying to their appreciation of the man and his services by directing that the communication from the bar be spread upon the records of the court.

If I may be permitted, as the presiding justice for the circuit for a period including the entire time of Judge Dillon's service in the court, to indulge in a suggestion of my own special misfortune in the matter, I must say that it is greater than that of others; for he whom I had hoped, as he came later, might remain longer in this court than I, and to whom would have fallen the duty of making the sad comments appropriate to the severance of our official relations, is the first to leave our common sphere of official duty.

Though in his case the cause is one which carries him to a less laborious, a more profitable, and let us hope a more agreeable and perhaps useful field of labor, and though this must, as it ought, mitigate the pains of separation, it remains true, as regards myself, that I cannot hope in any successor, however talented by nature or accomplished by learning, the same assistance in the performance of my own judicial duties, and the same relief from unnecessary responsibility as presiding justice, which have made my relations with him so pleasant.

When you add to this the interruption, more or less, of our social relations—relations which are imperfectly expressed by the strongest terms of affectionate friendship and unlimited confidence—it will be seen with what emphasis I unite with the bar and other members of the court throughout the circuit in this cordial tribute of respect and expression of regret at the retirement of Judge Dillon from the bench.

The following excerpts are from an address on behalf of the Minnesota bar, prepared by its committee consisting of former Chief Justice Charles E. Flandrau, General John B. Sanborn, George L. Otis, Judge George B. Young, Harvey Officer, and presented at the opening of the June, 1879, term of the United States Circuit Court, at St. Paul, Judges Dillon and Nelson being on the bench:

On this occasion nothing could induce us to give expression to what we did not conscientiously believe. Let the value of our views, then, be measured by their sincerity.

We recognize in you a man of extraordinary learning in all the branches of knowledge that combine to make a thoroughly good Judge. We also concede to you all those qualities of temperament which are essential to the same end. You have been patient when we have been tedious; you have been amiable when we have been irritable; you have always been clear when we have been in doubt.

It has been an edifying pleasure to us to listen to your lucid expositions of the many difficult questions which we have, in the discharge of our professional duties, so often submitted to you for solution. The varied interests that have been referred to your decision have involved the welfare of the greatest enterprises of the northwest, and these contests have arrayed in antagonism forces of corresponding magnitude; yet your wisdom and impartial justice have enabled you to satisfy all interests and make your judgments respected by all parties.

We have, by our long and intimate association with you, not only respected and venerated you as a judge, but also have learned to love you as a friend.

The loss to the bench may be supplied, and the wheels of the law revolve as before, but the severance of the closer ties which unite us is irreparable.

The following are from the remarks of Mr. District Attorney Billson:

I only give voice to the common experience of our bar, when I say that the opportunities we have enjoyed of observing your ample learning and your skillful methods in the dispatch of business have been the most stimulating and highly prized of our professional privileges.

The patience and circumspection with which you have been cheerful to listen and inquire; the rapidity with which you have grasped, and the tenacity with which you have remembered the most intricate statements of facts; your quickness to apprehend an argument of counsel, and to further illustrate its correctness, or to expose its fallacy; your happy combination of capacities for the widest generalization and for the most detailed and discriminating analysis; above all, the benevolent solicitude, the consummate skill, the sound discretion, and the splendid success with which you have ever striven to avert that sometimes inevitable, but always deplorable catastrophe, an incompatibility between fixed principles of law and the equities of a particular case—all these are salient features of your official character, as we have learned it and loved it during ten years of professional contact, and as we shall bear it in perpetual remembrance.

Your decisions upon the grave and often novel questions presented to you, have been perused by the profession throughout the country, and with a gratifying degree of confidence, are everywhere cited as authority by bench and bar alike.

In a word, you have made solid and fame-worthy contributions to the noble science of the law, upon which have labored the closest thinkers of many ages.

And this from the remarks of Mr. Gordon E. Cole:

The patience and painstaking with which you have ever sought to solve the most difficult problems of both law and fact; the wisdom with which, under your administration, the harshest and most technical rules of the common law have been attempered by equity; the ripe legal learning and felicitous language which has adorned your judicial decisions; the uniform kindness and courtesy which has characterized the intercourse of the bench with the bar, have endeared you to the bar of this district in a vastly more than common degree. Every country and state has, or has had, its golden age of the law, to which the profession loves to recur. The era of Marshall in the nation, of Kent in New York, of Shaw in Massachusetts, of Gibson in Pennsylvania, of Mansfield in England, and of your honor's administration in the eighth circuit, were all such periods, and will alike be remembered as luminous epochs of judicial history.

And this from those of Governor, afterwards United States Senator C. K. Davis:

The bar of this State received the announcement of your resignation with expressions of regret more touchingly eulogistic than words can here express with due regard to the formality of this proceeding.

It so happened that we urged your appointment as Circuit Judge, many years ago. Of the many eminent names which were under consideration for that nomination, your own was preferred by us, not for any personal reasons, because few of us then enjoyed your acquaintance. We had, however, become familiarized with your judicial character by a frequent application in our courts of your decisions as Judge of the Supreme Court of Iowa, and we were guided to our preference by them. We found in them learning always more than sufficient for the case; intellectual vigor, to which that learning was an armor, not an incumbrance; mental independence creative in its character, a judicial conscience which dealt with the case and not with its consequences. With these prepossessions you came to us, and there is not a member of this bar in whom they have not passed into convictions which are adorned and made forever beautiful by an abiding love and esteem for those personal traits which experience can only teach, and which absence can not destroy or even dim.

There are limitations to all endeavor and ambition, and surely the administration of the laws of seven commonwealths, which hold six millions of people, which present diverse institutions, codes which, though perhaps analogous, are yet so different as to perplex; where civilization and empire are so visibly over-spreading, where Terminus has not yet set up his land mark; where a legal system

must be created in a few years which will survive when the erasing finger of time has made illegible the decrees which establish it; surely these are boundaries which circumscribe the greatest capacity and resolution.

It was for you, and not for us, to say when you should pause. It is our gain and your glory that so much of the vast work has been done. It will not pass away. It will endure in precedents, guiding human concerns when all recollection of us is lost.

I will not stop to mark the like proceedings in the other States of the circuit. The foregoing will suffice to confirm my statements in the outset, respecting the universal affection in which Judge Dillon was held by his contemporaries, and the exalted opinion they entertained of his abilities. There is no mistaking the sincerity and depth of the common voice in which they speak. They clearly reveal a character of superlative traits.

And since I have so far touched upon his personal side, I feel justified in further illustrating its lovable qualities by the production of two rare letters which twenty-four years afterwards passed between Judge U. M. Rose, of Little Rock, Arkansas, and himself. Both were then over three score and ten. Who U. M. Rose was, it is unnecessary to explain, further than to say that he was the President of the American Bar Association, our representative at the Hague Peace Conference, a finished scholar, and one of the most accomplished lawyers of the American bar.

Judge Rose to Judge Dillon:

TERMINAL, CALIFORNIA, Sept. 21. 1903.

DEAR JUDGE: As one gets older he is more prone to think of absent friends; accordingly I have been thinking of you much and often of late, wondering how you were, and in what manner you were spending the summer, and finally I am impelled to trespass on your time by sending you a note, and thus putting an end to a long silence.

As I do not know how you have passed these last months, I must fall back on myself and tell you what I have been doing of late. You may remember that I have a married daughter, Mrs. Gibbon, living in Los Angeles. She has two very bright, lovely boys of nine and three years respectively, and she and the family occupy a cottage here by the sea. I and my wife left home on the 13th of July, and have been here ever since, staying in the cottage with

them, and all of us boarding at a hotel. On the whole I have never spent a summer more pleasantly; and I might well compare the days thus spent to those we passed in Paris years ago, fishing for books in the Rue Soufflot and on the Quai Voltaire. Men's capacity for happiness is certainly varied, since I have found equal pleasure in the busy city and here in the seclusion of a small watering place, listening to the incessant moaning of the disconsolate sea, with but little companionship, but plenty of good books to read. All summer the weather has been superb; and not a drop of rain or a cloudy day have I seen since leaving home. The sea bathing has proved unusually pleasant, and now we are about to start for home with feelings of joy mingled with sentiments of regret to think that we are leaving so pleasant a spot; remembering also that in the nature of things we may be going away for the last time.

I suppose you may have been in this part of the country, which is so full of interest of many kinds. I know of no part of America that seems to be so highly advanced in civilization; and to the traveler it is a striking revelation. When I was first here, 19 years ago, Los Angeles had about 20,000 inhabitants; now it has about 130,000 and the evidences of prosperity are everywhere visible. The aspect of the country, with its mountains and fruitful plains, is extremely attractive; but it is perhaps the climate that is the greatest factor in the universal progress. My health has greatly improved since I came out here, and my wife is quite as well as ever she was in her life. I do not think of coming here to live; but I should be glad of an opportunity of spending other summers here like that just closing, engaged in the genial occupation of Lotus eating, and rejoicing in the ebb and flow of the sea, shimmering in the triumphant and unvarying sunshine. And this brings me to another theme. Is it not time that you and I were leaving off the courts and the law, with all of the turmoil of this weary and unintelligible world, forever incorrigible, both to precept and example? I am beginning to think so; and to long for rest like the overworked steer. Still the future is as yet not quite clear to me; perhaps it will never be.

Wishing you, my dear sir, health and contentment and long life, with some rest from the arduous labors, so well performed, of many years, I remain,

Sincerely yours,

U. M. ROSE.

Hon Jno. F. Dillon.

Judge Dillon to Judge Rose:

NEW YORK, October 19th, 1903.

MY DEAR JUDGE ROSE: I am doubly indebted to you. It filled me with pleasure to receive your delightful letter from Terminal, California, giving me a relation of your pleasant summer in the companionship of wife, children and grandchildren, and in communion

with nature and with that unfailing resource at all times and in all situations,—plenty of good books. No possessions or treasures are more secure or of more value than your unextinguishable love of study and reading. I have read and re-read your letter, so replete with interesting suggestions and thoughts, and which reflects throughout that contentment and tranquil serenity of mind which befits, but unhappily does not always accompany age.

I am also under obligations for the valued invitation of Mrs. Rose and yourself to attend your golden wedding anniversary next week. Let me with all my heart felicitate you, your wife and family, on an event which so many hope for, but alas! so few realize. I note your interdict, but I hope I do not disobey it in sending to Mrs. Rose not a "present", but a slight souvenir or memorial, which I hope may remind her and possibly those who survive her of my warm friendship and regard, deeply regretting that the wide distance will deprive me of the pleasure of being present in person.

Answering your inquiry, I am glad to say that my health remains very good, even better than when I saw you at Saratoga last year. I have spent the summer here at my country place with all of my children and their families. My son Hiram and family were with me and have just returned home to Topeka to celebrate their silver wedding next month.

The closing inquiry in your letter, whether it is not time for us to leave off courts, the law and the turmoil and burden of professional life, opens a question which constantly recurs, seriously demanding solution, but one which is too large to enter upon here. I hardly know what it is best to do. I sometimes gloomily think that old age is almost an unmixed misfortune, and that there is nothing for one of my years to do but to keep drifting on and on till Fate settles what the man cannot himself decide. Idleness to me would be intolerable, and as much as I love books, I fear if left with them only, I should feel as Gibbon expressed it, that I would be "alone in Paradise."

And having referred to Gibbon perhaps the conclusion of his delightful Autobiography best expresses my own feelings. I enjoy the "autumnal felicity" of life, "but reluctantly have to observe that two causes, the abbreviation of time and the failure of hope (with me the former rather than the latter) tinge with a browner shade the evening of life." But I am not unhappy and have no dread of the future, and as Landor says of Pericles, I am ready when the time comes to "extend my hand to the urn, and take without reluctance or hesitation what is the lot of all".

Wishing you and Mrs. Rose many, many years of health and happiness, I am, as ever,

Most sincerely yours,

JOHN F. DILLON.

Hon. U. M. Rose, Little Rock, Arkansas.

A copy of this correspondence was sent by his son, Hiram P. Dillon, to Judge John F. Philips of the United States District Court for the Western Division of the Western District of Missouri, one of the most learned and distinguished Judges of the Federal Court and an active practitioner in the United States Court when Judge Dillon was upon the bench. As apropos to the subject, I feel constrained to here give his reply:

KANSAS CITY, Mo., Dec. 30, 1908.

Hiram P. Dillon, Esq., Attorney at Law, Topeka, Kansas.

MY DEAR SIR: I greatly appreciate your considerate act in sending me copies of the letters between your father and Hon. U. M. Rose. The sentimental intercourse and exchange of views on the philosophy of Old Age, between two such noble spirits and exalted minds is, to me, as beautiful as it is pleasing and instructive. Both are great lawyers and thinkers, whose wide experience and reading give them a wealth of information that enriches the universe of knowledge. Though looking at the sunset glow from somewhat different view-points, in reading their letters, in connection with my own reflections, I recall the statement of Steele:

"An healthy old fellow, that is not a fool, is the happiest creature living. It is at that time of life only that men enjoy their faculties with pleasure and satisfaction. It is then we have nothing to manage, as the phrase is; we speak the downright Truth, and whether the rest of the world will give us the privilege or not, we have so little to ask of them that we can take it".

To my thinking Judge Dillon was the most gracious, self-poised and best equipped presiding Judge of any court I ever appeared before; and the judiciary sustained an irreparable loss in the failure of the President to call him to the Supreme Court of the United States. For him I entertain the sincerest respect, unbounded admiration, and a feeling akin to affection. May he live long in honors, peace and happiness.

Very truly your friend

JNO. F. PHILIPS.

As further apropos from the point of view under consideration, I cannot refrain from giving an excerpt from a letter of his son, Hiram, on the unveiling of his father's portrait in the court-house at Davenport, in 1900. I appreciate that a letter, coming from a son, would naturally speak well of his father, but there is in this one a spontaneous vein so graphically, as well as touchingly true, that it throws, as it were, a new light on the inner life and being of his father. The

letter was received by Mr. S. F. Smith, Chairman of the Committee of Arrangements on the occasion referred to, and the excerpt is as follows:

You meet at this time to do my father honor as a lawyer, but I know him as a man. He is a great lawyer, but he is a greater man. In saying this my judgment is not warped by filial pride, but is the result of seeing and knowing him day in and day out for years. When I see him after years of experience, burdened with large interests and many cares, in a world that is as our world, dealing with each man as a fellow man, treating the tramp at his door with the same kindness that he would a president, giving him the consideration that he believes is due because he is in the likeness of his Maker, I forget the father and believe in the man.

In view of the length which this sketch has already reached and the limitations under which I am necessarily placed, it remains for me only to touch briefly some of the salient features of Judge Dillon's life after his removal to New York, and his matured views on the underlying principles of our government and laws.

On account of his rapidly increasing practice in New York he felt obliged to relinquish his professorship in Columbia College, which he had filled with eminent distinction. In a comparatively few years his clientage embraced some of the largest interests of the metropolis, and he came to be regarded as one of its ablest lawyers, and one of the most profound jurists of the American bar. By high authority he was ranked as its foremost leader, and, taken all in all—the depth and comprehensiveness of his learning, his distinction as a judge, the accuracy of his opinions, his strength of argument, his judicial aptness, his fame as an author, his felicity of speech, his general literary merit, in short, the *tout ensemble* of his varied accomplishments—he may justly be so regarded. The following instance will, I think, exemplify the general estimate: At the Annual Meeting of the State Bar Association of Rhode Island, in 1904, Josiah H. Benton, one of the leading lawyers of Boston, delivered the principal address. His subject was “The Qualifications of Judges.” He strongly inculcated patience as an important one of them, and in illustrating this topic of his discourse, said: “Now, my friends, I remember

an incident about which I want to tell you. When lawyers, whom, with the exception of the one who speaks to you, I may designate as leaders of the bar in New England, had gone on for two hot June days in that miserable, stuffy Federal Court-House in Boston before Judge Colt, in a very important case, and the case was closed, Judge Dillon, whom I regard as, perhaps, in all respects the leader of the bar in the United States, who had himself held high judicial position, said, looking at our friend, Judge Colt, who had sat through those two hot days clothed in his judicial robe, and who had been most courteous and kind to us all: 'Your Honor has, in this cause, exemplified the highest and finest of judicial qualities—patience.' ”

Like reference was made to Judge Dillon in the address of James A. C. Bond, a distinguished Maryland lawyer and President of the Bar Association of that State, at its Annual Meeting in 1905.

Judge Maxwell in delivering the opinion of the Supreme Court of Florida in *Skinner vs. Henderson*, 26 Florida, 122, uses this language: “A similar ruling in Iowa is valuable as coming from Judge Dillon, one of the most eminent American jurists and law authors now living.”

Upon questions relating to the law of Municipal Corporations, especially, his opinions were relied upon as absolute authority. Many large cities, as did my own municipality of Kansas City, Missouri, when about to place an issue of bonds upon the market, submitted the question of their validity to his opinion. If this was favorable, his certificate never failed to furnish a ready sale of the bonds. It was as potent in that respect as Webster described the touch of Hamilton to have been on the “dead corpse of the Public Credit.”

His work on Municipal Corporations is the most celebrated and generally useful legal production of the time. “Dillon on the Law of Municipal Corporations” stands supremely alone; a *chef d'oeuvre* that has carried the fame of its author to the remotest English-speaking people. Mr. Justice Bradley of the Supreme Court of the United States declared it to be “A Legal Classic,” and so it is regarded. In the June number,

1908, of the "Bench and Bar," its editor, Archibald Robinson Watson, makes the following statement which shows how widely followed it is by the courts:

It will interest the bar generally to know that a new edition of that famous legal classic, "Dillon on Municipal Corporations", is soon to be forthcoming . . . Judge Dillon's treatise, to a greater extent than most text-books, has, in its successive editions, moulded and served as a model for contemporary judicial decisions. Paragraph after paragraph of Judge Dillon's text will be found incorporated, bodily, into the law reports of the several states,—and occasionally we regret to say,—without the proper credit being given. The writer knows this, because he once essayed to monograph the "Law of Municipal Corporations" himself, and, during the course of his work, he was told by a law publisher of long and successful experience, that such a thing was impossible without infringing Dillon. But aside from the occasional instances in which judges have used without acknowledging, as a general thing one will find most judicial opinions, whether in the United States Supreme Court, or the State courts of last resort, in which the law of Municipal Corporations is discussed, liberally and approvingly punctuated with citations of "Dillon on Municipal Corporations."

We are naturally curious to know in view of his other absorbing duties, why and how he undertook and carried on this work, which he amplified from time to time through successive editions until the fifth was reached, which is now in press. This, the following excerpt from his address at the dedication of the Davenport Public Library, will show:

It so chanced in the course of time that I found myself on the bench of the Supreme Court of the State, with an ambition not unnatural to write a work upon some subject that I hoped might be useful to the profession. The first indispensable requisite to such an undertaking was access to a full law library. That of Judge Grant, which was one of the largest private law libraries in this country, supplied this condition. The next requisite equally indispensable, was the needed leisure for study and research, and the only leisure possible to a judge was in the intervals of uncertain length between terms of court. The library being at hand in my own city, enabled me to do what otherwise I could not have done at all, that is, utilize my days, snatched from judicial labor, by working in the Grant library, collecting material for my projected book. I selected my subject—"Municipal Corporations"—and entered upon the work of thorough and systematic preparation. Without the aid of stenographer or typewriter, I began an examination,

one by one of the thousands of law reports, commencing with Vol. I of the state of Maine and continuing down through successive reports to date, and so on, in like manner, the reports of every one of the states, and of the Federal and English courts, occupying all of my available time for about six years. The result I have never had occasion to regret. It has profoundly affected my whole professional career.

He thus feelingly wrote of the edition now in press:

Forty years and over have elapsed since the preparation was begun, and more than thirty-five years since the publication of the first edition. The work is thus not only a child, but the companion, of the far larger part of a prolonged professional career. Any justifiable satisfaction I might feel in its success is somewhat subdued, if not saddened, by the reflection that in this edition I am taking my final leave of a work which is so intimately incorporated with the studies and labors of so many years. We must, however, accept, as I do, without murmur or regret, the inevitable. Every scientific work, like the present, can have but a limited period of existence. The progress of society and the corresponding development and changes in the laws that govern and regulate the interests of the people, never cease, and a work of this practical and technical character commences to become obsolete from the moment of its birth. Such a limitation and such a doom can neither be averted nor rationally regretted.

To me it is a wonder that with his manifold duties as an overworked judge, and then as a lawyer, with a clientage covering in its course, either as general or advisory counsel, such interests as those of the Union Pacific Railroad Company, the Missouri Pacific, the Texas Pacific, the Manhattan Elevated, the Western Union Telegraph Company, the estate of Jay Gould and of different members of that family, and the various other matters that came before him, he could have possibly found time to give to the world productions of his pen, so numerous and worthy, that they have strewn his entire pathway with a wealth of solid and useful literature.

I shall not attempt to enumerate productions not specifically mentioned in the outset of this sketch, but among them are:

The Inns of Court and Westminster Hall. (Before Iowa State Bar Association, 1876.)

Iowa's Contribution to the Constitutional Jurisprudence of the United States. (Before the Iowa Society of New York, March, 1908.)

Early Iowa Lawyers and Judges. (Judges Mason, Wright, Love, Miller. Before the same Society, 1906.)

Dedicatory Address Davenport Free Public Library. (Davenport, 1904.)

Chancellor Kent: His Career and Labors. (Before New York State Bar Association, Albany, 1903.)

Uncertainty in Our Laws. (Before South Carolina State Bar Association, Charleston, 1885.)

Law Reports and Law Reporting. (Before American Bar Association, New York, 1886.)

American Institutions and Laws. (Before American Bar Association, Saratoga, 1884.)

Commemoration Address on Chief Justice Marshall. (Before New York State Bar Association, Albany, 1901.)

Opening Address First General Meeting New York County Lawyers' Association. (New York, 1908.)

Address of Welcome at Banquet of New York County Lawyers' Association. (New York, 1909.)

Bentham and His School of Jurisprudence. (Before Ohio State Bar Association, 1890.)

Our Law: Its Essential Nature, Ethical Foundations and Relations. (Before Graduating Class of Law Department, Iowa State University, 1893.)

Bentham's Influence in the Reforms of the Nineteenth Century. (In Select Essays on Anglo-American Legal History, Boston. Little, Brown & Co., 1908.)

John Marshall: Life, Character and Judicial Services. (Three Vols. Chicago. Callaghan & Co., 1903.)

Laws and Jurisprudence of England and America. (Being a series of lectures delivered before Yale University. Boston. Little, Brown & Co., 1895.)

Anna Price Dillon: Memoir and Memorials. (Privately printed for distribution among relatives and friends.)

He also delivered an address before the Columbian Exposition at Chicago in 1893, and at the St. Louis Exposition in 1904.

An important work in his professional career was as a member of the Commission appointed under an act of the legislature of New York to prepare the charter for the greater City of New York; that is to say, the preparation of the charter uniting into one city, three existing cities (New York, Brooklyn, and Long Island City), each living to a considerable extent under local laws and each with different charters; and

that would also bring into the enlarged city a considerable area of territory, besides that still remaining under town and village government. These different communities to be consolidated into one, were located upon three different islands and upon the mainland, with distinct histories and antecedents. The problem was to form a charter which would combine these into one great municipality, with working machinery adapted to the whole and to the separate parts. He took an active and leading part in framing this charter of greater New York, which went into effect on the first of January, 1898. The difficult niceties of this work are apparent, and its vastness will be appreciated by referring to the charter which is embodied in the legislative act which vitalized and put it into effect. It consists of sixteen hundred and twenty sections and covers seven hundred and forty-two pages. The report of the Commissioners recommending the charter to the favorable consideration of the legislature, covered thirty-two pages. The consolidation thus effected remains, with certain minor changes, and I am authentically told that it is remarkable how little litigation has sprung out of the consolidation itself as respects the meaning and application of the different sections of the charter. I think this result may be largely traced to the clear vision, keen foresight and wide and varied legal experience of Judge Dillon, which enabled him to practically apply his thorough knowledge of the law relating to municipal corporations to the particular work in hand.

His "Laws and Jurisprudence of England and America," embracing the series of his lectures before Yale University, it seems to me cannot be too highly estimated. After reading and re-reading it many times, I do not hesitate to pronounce, that, to the serious reader who desires in the narrowest limit to gain at once the most interesting and instructive information respecting the fundamental principles of our government, and the prime objects of its administrative justice, it is the most valuable and philosophical collection that, in the same space, has ever been given to the public.

These lectures were delivered in 1891-2, and embody his mature views on many of the great practical topics of the

law. Upon them the author has bestowed the ripened powers of his mind. Every line teems with a warmth of interest that unmistakably reveals the infusion of his highest forces. They display the amplitude of his learning, not only in the field of law, but of the best literature. They are so replete with rare and forceful statement and are so strikingly illustrative of the man, that I cannot forbear making a few extracts:

It is natural for some minds to revere the past, to accept the present, and consciously or unconsciously to resist agitation and change. It is equally natural for other minds to question the wisdom of the past, to refuse to accept its lessons or results as final, to be discontented with them, and to welcome novelty as the means of effecting improvement.

When recently crossing the bay of New York, the Statue of Liberty with its uplifted torch enlightening the world, suggested to me that the true ideal of a modern judge was no longer a figure with bandaged eyes, but rather the figure of one who carries in his up-raised hand the torch of truth lighted from on high, and who, throughout the arguments of counsel and in the maze and labyrinth of adjudged cases, walks ever with firm step in the illumination of its constant and steady flame.

Unadmonished and undeterred, I venture a timid forecast of some of the changes which our laws and jurisprudence will witness within the next century:

I predict that the rational practice of settling disputes between nations by arbitration, so successfully applied in recent years, will become general; that wars, the opprobrium of christian civilization, if they shall not wholly cease, will be comparatively infrequent.

I predict that the existing apathy of the public conscience will be aroused, and that the avarice of publishers will not be able to continue the present system of literary piracy, since all civilized nations will recognize the principle that an author has by the highest of all titles, that of creation, a right of property in his work, which treaties and legislation will protect on the basis of reciprocity.

I predict in view of the universality and increasing intimacy of commercial intercourse between nations, that substantial unity in the various departments of mercantile and maritime law on the great subjects of Bills of Exchange, Maritime Contracts, Marine Insurance, Marine Torts, etc., will replace the diversity and conflict which now exist.

The separation of what we call equity from law was originally accidental,—or at any rate was unnecessary; and the development of an independent system of equitable rights and remedies is anomo-

lous, and rests upon no principle. The continued existence of these two sets of rights and remedies is not only unnecessary, but its inevitable effect is to make confusion and conflict. The existing diversity of rights and remedies must disappear, and be replaced by a uniform system of rights as well as remedies,—what we call a legal right ceasing to exist if it is in conflict with what we now distinguish as the equitable right.

The forecast may be ventured, that while the law will in its development undoubtedly keep pace with the changing wants of society, yet the work of jurists and legislators during the next century will be pre-eminently the work of systematic restatement, probably in sections, of the body of our jurisprudence. Call it a code, or what you will, this work must be done; if not done from choice, the inexorable logic of necessity will compel its performance.

Scientific jurisprudence, already a necessity, will play a more important part in the future of our law than it has in the past. It is a mistake to suppose that the jurist, any more than the legislator must look only to the past. He must also study the present, and bring himself into actual contact with the existing conditions of society, its sentiments, its moral convictions, and its actual needs. This work, as important, as noble, as any that can engage the attention of men, will fall to the profession to do . . . It will not be performed by men whose sun, like mine, has passed the zenith, and whose faces are already turned to follow its setting, but by young men who are hailing the advance of their sun up the eastern sky, and who are full of the hopes, the aspirations, the generous illusions, the sublime audacity, which give to that interesting stage of life, when animated by high resolves, a present charm and a prophetic splendor all its own.

When the idea of legal education shall be the mastery of principles, so that the first impulse of the lawyer in cases not depending upon local legislation, will be to find the *principle*, and not some *case*, that governs the matter in hand; when arguments at the bar shall be directed to an ascertainment of the controlling facts of the case under consideration, and then to the principles of law, which apply to these facts; when the bench shall be constituted of the flower of the bar, and appellate judgments shall not be given without a previous conference of the judges, at which the grounds of judgment shall be agreed upon, before the record is allotted for the opinion to be written; when opinions shall be rigidly restricted, without unnecessary disquisition and essay-writing, to the precise points needful to the decision, we shall have an abler bar, better judgments, and an improved jurisprudence, in which erroneous and conflicting decisions will be few.

As a means of eliciting the very truth of the matter both of law and fact, there is no substitute for oral argument. I distrust the

soundness of the decision of any court, in any novel or complex case, which has been submitted wholly upon briefs. Speaking from my own experience, I always felt a reasonable assurance in my own judgment when I had patiently heard all that opposing counsel could say to aid me; and a very diminished faith in any judgment given in a difficult cause not orally argued . . . The mischievous substitute of printers' ink for face-to-face argument, impoverishes our case-law at its very source, since it tends to prevent the growth of able lawyers, who are developed only in the conflicts of the bar, and of great judges, who can become great only by the aid of the bar that surrounds them.

Another practice which injuriously affects our case-law, is the practice of assigning the record of causes submitted on printed arguments to one of the judges to look into and write an opinion, without a previous examination of the record and arguments by the judges in consultation. This course ought to be forbidden, peremptorily forbidden, by statute. This most delicate and most important of all judicial duties, ought always to be performed by the judges in full conference *before* the record is delivered to one of their number to write the opinion of the court.

A stable and independent judiciary is the strongest hope of our country. A stable and permanent tenure secures that independence which is essential to a good judicial system and to the fearless administration of justice. Whenever we weaken the independence or degrade the dignity of the judicial office, either by the mode of selection, or by a restricted tenure, or by the inadequate compensation of the judges, or in any other way, we make a most serious mistake.

Trial by jury is an essential part of our judicial system . . . Its roots strike down deep into the experience, the life, and the nature of the people who have developed and perfected it. Its shortcomings are not inherent. If judges will do their full duty, jurors will do theirs. I have tried literally thousands of cases with juries, and the instances are few where I had reason to be dissatisfied with their verdicts . . . In the solemn act of passing upon the guilt of those charged with offences against the public, the jury represent the majesty of the people as a whole; and when acting under the guidance of a capable judge, their verdicts are almost always right. If the courts will clearly instruct juries, and will exercise when they ought to do so, the power to set aside verdicts and grant new trials, there will be less complaints about trial by jury and less agitation for a change in the law whereby verdicts may be rendered by a less number than the whole of the jury,—a change which I believe to be based upon no necessity and in the highest degree unwise.

I have made the jury the subject of much observation and reflection . . . In my judgment the jury is both a valuable and essential part of our judicial and political system . . . I protest against

the continentalization of our law. I invoke the conservative judgment of the profession against the iconoclast who in the name of reform, comes to destroy the jury; against the rash surgery which holds not a cautery to cure, but a knife to amputate. Twelve good and lawful men are better judges of disputed facts than twelve learned judges.

The absolutely unique feature of the political and legal institutions of the American republic, is its written constitutions, which are organic limitations whereby the people by an act of unprecedented wisdom have . . . protected themselves against themselves. The spectacle is that of the acknowledged possessors of political power voluntarily circumscribing and limiting the plenary and unrestrained use of it.

History affords many examples where the holders of political power have been *forced* to surrender or to curtail it for the general good; but the example of the people constituting the American political communities in limiting, by their own free will, the exercise of their own power, stood alone when this sublime sacrifice was made, and it has not been followed in any country in Europe, nor successfully put in operation elsewhere than in the United States.

The value of constitutional guarantees, wholly depends upon whether they are fairly interpreted, and justly and with even hand, fully and fearlessly enforced by the courts.

If there is any problem which can be said to be yet unsettled, it is whether the bench of this country, State and Federal, is able to bear the great burden of supporting under all circumstances the fundamental law against popular, or supposed popular, demands for enactments in conflict with it. It is the loftiest function and the most sacred duty of the judiciary, to support, maintain, and give full effect to the constitution against every act of the legislature, or of the executive, in violation of it . . .

The constitution is the final breakwater against the haste and passions of the people; against the tumultuous ocean of democracy. It must at all costs be maintained. This done, and all is safe; this omitted, and all is put in peril and may be lost.

Local self-government is the true and the only solid basis of our free institutions. A jealous state pride and watchfulness in all that justly belongs to the state, and a dominating national pride and concern in all that justly belongs to the nation, are the valid, healthful, and recognized sentiments of American citizenship and patriotism.

The great fundamental rights guaranteed by the constitution are life, liberty, contracts, and property . . . But we can not close our eyes to the fact that to some extent the inviolability of contracts, and especially of private property, is menaced both by open and covert attacks. Property is attacked openly by the advo-

cates of the various heresies that go under the general name of socialism or communism, who seek to array the body of the community against individual right to exclusive property, and in favor of the right of the community in some form to deprive the owner of it, or of its full and equal possession and enjoyment . . . Among the people of our race the era of the despotism of the monarch, or of an oligarchy has passed away. If we are not struck with judicial blindness, we cannot fail to see that what is now to be feared and guarded against is the despotism of the majority.

There may be some reason for the various forms of socialism, communism, anarchism, among the struggling and oppressed people of the Old World. They are the unreasoning and desperate remedies of caste, and hunger, and despair; but among us such ideas are baneful exotics.

Kant's philosophy is to me unprofitable enough in practical results; but there is one noble passage of his that has made on me an impression that years have never effaced or dimmed: "There are two things which, the more I contemplate them, the more they fill my mind with admiration—the starry heavens above me, and the moral law within me."

Ethical considerations can no more be excluded from the administration of justice, which is the end and purpose of all civil laws, than one can exclude the vital air from his room and live. A thousand times have I realized the force of this truth. I always felt, in the exercise of the Judicial office, irresistibly drawn to the intrinsic justice of the case, with the inclination, and if possible the determination, to rest the judgment upon the very right of the matter.

In the practice of the profession, I always feel an abiding confidence that if my case is morally right and just it will succeed, whatever technical difficulties may appear to stand in the way; and the result usually justifies the confidence.

It is a most remarkable fact that if one casts his eye over the map of the enlightened world he will find, generically speaking, but two systems of law or jurisprudence—the one of England, the other of Rome. The legal systems of the nations of the continent of Europe and of the South American States are based upon the Roman law; but the Roman law never obtained controlling authority in or among any people who speak the tongue of England.

In respect to law reforms he took an active and leading, though an altogether sane and conservative part, and left along those lines a deep and lasting impression upon our jurisprudence. As a continuous member of the American Bar Association, for a time its President, and as an author, and

deliverer of occasional addresses before learned bodies, his opportunities were favorable to this end.

Probably the most important of law reforms, and the one that has most agitated, and continues to agitate, the professional and, as well, the public mind, is what is commonly known as "codification" of the law; its reduction to systematic arrangement, restatement, and rules, generally governing its principles. Although much of actual accomplishments has as yet not been reached, it is pretty clear that such results must be gained eventually, in order to relieve us from the thousands of law reports, that are continually piling up and multiplying with our rapidly increasing interests and consequent litigation, and which, by their conflicting decisions and overwhelming numbers, keep the law in confusion, and its ascertainment frequently impossible. To this work he has given much thought. His views thereon will be found at length in the work we have just been considering.

While giving all praise to Blackstone and Eldon for their work as conservatives, he gives to Bentham, the radical, the palm of being the initiator of this, as well as nearly every other law reform of the last century, quoting, with apparent approval, the following statement of Sir Henry Maine: "I do not know a single law reform effected since Bentham's day which cannot be traced to his influence." Bentham gave it the name by which it is now universally known, "codification." He also originated the common expression, "judge made law," as applied to the decisions of the judges and even the common law itself. "He meant," says Judge Dillon, "that a code should embrace all general legislation, not simply as it exists but as it ought to be amended and made to exist—that is, all legislation except local and special statutes; that it should also embody all of the principles of the common law which it were expedient to adopt; the whole to be systematically arranged, so that all possible cases would be expressly provided for by written rules; that the function of the court to make 'judge made law,' as he stigmatized it, should cease, and that thereafter all changes or additions to this complete body of law should be made by the lawmaking body and it alone."

To Judge Dillon this did not seem practical. "Bentham," said he, "believed it was possible to extract from the reports all that was valuable in them and to embody it in a code; whereupon he would have been willing, I fancy, to have burned the law reports, and himself to have applied the torch. Unfortunately there is no alchemy by which the value of the law reports can all be extracted and transmuted into statutory coin."

Judge Dillon thus expressed in epitome his own views on the subject:

We have two great divisions of law—statute-law and case-law. The statutes are frequently fragmentary, superimposed one upon another. Case-law has to be sought in almost numberless reports and often among conflicting decisions. Our law is thus fairly open to the threefold objection of want of certainty, want of publicity, and want of convenience.

Our laws will, I believe, even if codification be not adopted, become relatively more and more embodied in legislative forms. The greater certainty and convenience of a carefully considered enactment which covers the entire subject with which it deals, over the chaotic and unmethodized condition of the law when it has to be sought through volumes of reports and a variety of detached statutes, will constantly operate with no inconsiderable force in expanding the scope of legislative action.

To me it has always seemed inexpedient, even if it were possible (which it is not), to attempt a scheme so ambitious as the embodying into a code or statutory form rules applicable to all the complicated transactions of modern business and society, with a view to supersede the reports.

The judicial office will, at all times, under any possible code have to deal with and determine questions and cases not possible to be provided for by any express statutory provision. A well constructed code may, and doubtless will, lessen the number of such questions and cases; but no code can do more.

The infinite details of this mountainous mass of case-law, no industry can master and no memory retain. I do not believe it is practicable to codify it all in the sense that the resulting code shall supersede for all purposes the law reports; but on many subjects, and to a very large extent in respect of all, codification is practicable, and so far as it is practicable, it is, *if well done*, desirable.

A capital need of our law today is for some gifted expositor who shall perform upon it the same operation performed by Blackstone more than a hundred years ago; that is, an institutional work sys-

tematically arranging and expounding its great principles as they have been modified, expanded, and developed since Blackstone's day, so as to make it as faithful and complete a mirror of the law, as it now exists, as Blackstone's work was of the law as it existed when his commentaries were produced.

But I can no longer pursue these subjects. I both refer and recommend the reader to the book of lectures I have been speaking of. There he will find, not only clear disquisitions upon law reforms, but of the great actors that have lived along the lines of Bentham, Blackstone, Marshall, Kent, and Story; and constant evidence as well, of his wide reading and cultured mind.

In the outset of this sketch I referred to his love of books. This, or rather its result, is especially exemplified in these lectures, and in his address at the dedication of the Davenport Free Public Library. In the latter, he referred to this quality in Mr. Lincoln. Following this, Robert T. Lincoln wrote him a letter of appreciation, which, for its manifest interest in this connection I here give:

MY DEAR JUDGE DILLON: I have read with great pleasure your address at the opening of the library at Davenport. This must have been a very interesting occasion to you in your old relation. I noticed especially, of course, what you said about my father. You could not say too much of his love for books. I do not remember ever seeing him without a book in his hand. From my earliest recollections he was devoted to Shakespeare and Milton. Bunyan, of course, he had, and it was in consequence of his having it at hand, that it was one of the first large books that I myself ever read. In the latter years of his life, he always had a Bible and a set of Shakespeare very near him, and went to them for relief at all times.

Very sincerely yours,

ROBERT T. LINCOLN.

Jan. 5th, 1905.

This shows not only a parallel between Judge Dillon and Mr. Lincoln in the respect mentioned, but, as it seems to me, throws a new or added light on the latter.

Among the important labors of his latter years were those in connection with the work hereinbefore mentioned in the list of his productions, "John Marshall. Life, Character and Judicial Services," consisting of portrayals in the centenary memorial services that were held throughout the country on

what was known as "Marshall Day," in 1901, and his introduction to the three volumes composing them. In this movement he was a leading initiator, and in preserving its results the principal factor—at once, the collector, the compiler, the editor, and in a sense, the author. His introduction, as well as his address, is remarkably strong in all its features. He portrays with vivid force the personality of the "great Chief Justice," and demonstrates by successive steps, and particular cases in which certain provisions of the Constitution of the United States were construed by him, that his services to the Republic in its infancy, when the workings of its constitution and governmental machinery were experimental, were not only invaluable, but really furnished the preservatives of the nation in its subsequent perils. In these brief excerpts he characteristically summarizes the situation in a nutshell:

Marshall has no parallel but himself, and like the Saladin in Dante's vivid picture of the immortals he stands by himself apart. The inquiry fitly comes, whether this veneration is a mistaken idolatry or whether it rests upon rational and enduring grounds.

The nature and value of Marshall's judicial services can only be satisfactorily shown by selecting and briefly stating a few of his leading judgments which determine the boundaries and establish the vital and fundamental principles of our Constitution. This was his distinctive work. On this his fame chiefly rests.

In the course of his long service as Chief Justice, he construed and expounded for the first time, nearly all of the leading provisions of the Constitution, and in this he performed an original work of the most transcendent importance, and one which it is the universal conviction no one else could have performed as well.

It was the supreme work of Marshall that carried our Constitution successfully through its early and perilous stages and settled it on its present firm and immovable foundation.

He had the golden opportunity, which he promptly took by the hand, the singular, the solitary felicity, of connecting his name and fame imperishably with the origin, development, and establishment of constitutional law and liberty in the great American Republic.

Marshall belonged to one political school, and Jefferson was the leader of the other. Marshall was penetrated by the sentiment and spirit of nationality, and believed that the Constitution properly construed conferred upon the Union all the essential powers of national sovereignty. Jefferson believed that powers in the central government

in such amplitude as Marshall held them to exist, were dangerous to the existence of the state and to the liberties of the people. For this he should not be blamed, nor does it diminish our sentiments of respect and gratitude for his great public services. He will go down to posterity proudly holding in his hand the Declaration of Independence, and Marshall will go down holding in his the Federal Constitution.

Was the new government another confederation, and the Constitution simply the mechanical bond by which the States were for certain enumerated purposes, and for such only, loosely articulated? Or was it a new nation, instinct with life and clothed with all the powers and attributes of sovereignty necessary for its growth, development, preservation, protection and defense, against all hostile comers, foreign and domestic?

Each one of the cases which I have brought under review today, could have been decided the other way. Many lawyers and statesmen firmly believed and earnestly maintained at the time, that they ought to have been decided the other way. On all these subjects, Marshall's views have been finally accepted by the country as necessary to the integrity and welfare of the Union, and are no longer disputed or challenged.

When Marshall went upon the bench, the new government itself, and the Constitution as the only bond of union, were in the experimental stage of their existence. When he left it both were firmly established. Marshall's great service to the country was, that his celebrated judgments expounding the Constitution supported it and carried it safely through the feebleness and perils of its infancy, and placed it securely upon the foundations on which it has ever since rested.

In the past, coming down even to the present, States have passed many laws of a character that would have broken up the Union, had it not been for the limitations on their powers, which they disregarded, and which have only been made effectual by the judicial enforcement of Marshall's principles of nationality.

Of his numberless judicial opinions, I cannot further speak or particularize than I have in the first part of this sketch; nor can I of the arguments which he has from time to time delivered before the courts. His argument in the *Mercantile Trust Company vs. The Texas and Pacific Railway Company et al.*, 154 U. S. Rep., in which were involved the constitutionality of the Texas Railroad Commission Act, and the rates of tariff fixed by the Texas Railroad Commission, in the course of which he reviewed the leading cases on the subject, is one of his ablest and most elaborate ones in the Supreme Court

of the United States. Its general views were sustained by the Court (pp. 362-420 of the report alluded to).

In spite of his accumulated years, of his long and exhausting labors, and the continuous sorrow that shrouded the remainder of his life in the loss of his wife and daughter at sea, he kept up his professional labors and his daily office rounds until a very advanced age. Without this, he once told me, it would have been impossible for him to have borne this affliction. In his seventy-eighth year, he made the journey and the forensic effort disclosed in the following letter to me, dated December 1, 1908, in response to the communications referred to by him:

"Your deeply esteemed favors of November 6th and November 7th, came to New York during my absence in West Virginia. On the 5th of November I left this city for Charleston, the capital of West Virginia, to argue an important case in the Supreme Court of Appeals of that State, involving some sixty thousand acres of coal lands. The court gave five days to the arguments, extending from the 9th to the 15th. I hesitated somewhat at my age to take the trip and undergo the exertion of such an argument, but I found after attending the court during the five days, that I was able to make a three hours' argument without being more than usually tired. I mention these circumstances to show that the delay in answering your letters was unavoidable."

In the "Memoirs and Memorials of Anna Price Dillon" he pays the noblest of tributes to the memory of his devoted wife. In this connection I must be pardoned for saying a word or two concerning her, as being a part of his own life, and from whom he drew constant inspiration in his multitudinous labors. She was the daughter of Hiram Price, for a long time one of Iowa's distinguished men. He was successively school fund commissioner (1847); registrar and treasurer of his county, Scott (1848-1856); president of the State Bank of Iowa from its organization, 1859 to 1866, when it was superseded by the National Bank; paymaster general of the State during the civil war; five times elected to Congress between 1862 and 1881, and Commissioner of Indian Affairs from 1881 to 1885.

She and John Dillon had been schoolmates. They had grown up in Davenport together. Their lives were closely intertwined from childhood. In Davenport they commenced their married life, and on one of its slightly bluffs built an attractive home. There their children were born and there they lived until their removal to New York. It was my good fortune on more than one occasion to sit at their table as a guest. In the home and house affairs she reigned supreme. This home in all of its features and surroundings displayed both exquisite taste of selection and family comfort. She was a bountiful hostess, and in appearance superb and queenly. She was preeminently a strong character, bounteously endowed with intellectual gifts and womanly graces. Her letters to her husband and personal friends written during her different sojourns in Europe, whither she went mostly on account of the lovely daughter who perished with her and who for some years had been a patient sufferer, are models of graphic and interesting descriptions of foreign countries, their people and ways.

His "Laws and Jurisprudence of England and America," composed of his Yale lectures, he dedicated to her. Why he did so he thus tells in the "Memoir and Memorials":

"Prior to 1875, and while she lived in Davenport, she gave considerable time to charitable and other work, as already stated, but during the years when her children were young it was to them that she devoted her paramount attention. She found time, however, to assist her husband, in 1872, in putting his book on "Municipal Corporations" through the press. He always realized that his itinerant professional and judicial life had thrown almost exclusively upon his wife the care and anxieties of the family; and years afterward, when, in 1894, his Yale University Law Lectures were published, he publicly recognized the obligation which it created, in the dedication of the volume to her in these words:

A. P. D.

The years of professional studies, circuit journeyings and judicial itinerancies whereof this book is in some measure the outcome, as well as the time required for its preparation, have been taken

from your society and companionship. The only reparation possible is to lay these imperfect fruits upon your lap. As to you, indeed, they justly belong, this formal dedication serves alike to accredit your title and to manifest my grateful sense of obligation and affectionate regard.

This inscription was pleasing to Mrs. Dillon, and on her return from Europe a friend called her attention to a review of the book in which the writer, speaking of dedications to wives, compared this not unfavorably with John Stuart Mill's, whereupon her husband said that his was as much inferior to Mill's as Mill's to Tennyson's.'*'

I must now bring this narrative to a close. If I have not accomplished all I desired, I have at least massed or indicated the material on which some future biographer may do better.

I have spoken of Judge Dillon as if he were dead. He is still alive. Verging close to four score years, he calmly awaits the final summons. His setting sun will soon sink beyond the horizon, leaving behind it, like that of the day, the mellow influence of its departing rays.

*Mrs. Tennyson, always seemingly fragile, outlived her husband, who died October 6, 1892; but, not long before his death, he signalized their long and felicitous union by dedicating to her, in these words, his last book:

"I thought to myself I would offer this book to you,
This and my love together,
To you that are seventy-seven,
With a faith as clear as the heights of the June-blue heaven
And a fancy as summer new
As the green of the bracken amid the gloom of the heather."

RECOLLECTIONS OF WAR TIMES.¹

BY COL. DAVID PALMER.

I enlisted in Company C, 8th Iowa Infantry, commanded by Capt. Wm. B. Bell, afterwards Colonel of the regiment. On the 10th of July, 1861, in the organization of the company I was made 3d Corporal and went into camp with the company August 10, 1861, at Camp McClellan, Davenport, Iowa, there taking part in the drills and maneuvers of the company and regiment as it was then organized, with Gen. Fred Steele as its Colonel. Soon after we were put on board a transport and sent south to St. Louis, Mo. Disembarked there, we were placed in Benton Barracks, where we were drilled and disciplined thoroughly, to prepare us for the front. From there we went by railroad west through Jefferson City, Mo., and into the interior of the State to Syracuse; there we became a part of the army under Gen. McKinstry whose purpose it was to attack the forces of the Confederate General Price. We took up our line of march towards Springfield, Mo., following Price's troops in hot pursuit. We were then ordered back to Sedalia, Mo., to go into winter quarters, where we remained until about the month of March, 1862, when we were directed to return to St. Louis, where we were put on board a transport, sent down the river to Cairo and up the Tennessee river to Pittsburg Landing. We disembarked there and went into camp in the timber about three-fourths of a mile from the landing. While remaining there we were effectually drilled and inspected preparatory to the impending battle of Shiloh. On the morning of the 6th of April, 1862, a beautiful Sabbath morning, about daylight, we heard cannonading and musket firing on the out-posts away out beyond the Shiloh church. In a very little while, before we scarcely had time to eat our breakfast, the long roll sounded in our camp and we were marched to the front, and, as I recollect it, about nine o'clock we were put upon the firing line near what is now known as

¹Address given by Col. Palmer before the Y. M. C. A. in Des Moines, February, 1896.

the Hornet's Nest. This name was given it by the Confederates. There we were put in support of a battery which, in a short time, lost every horse and man in it. A detail of men was made from our regiment to rush out and pull the cannon and caissons to the rear to save them from capture by the enemy. During the time we occupied that position, we received and repulsed several distinctive bayonet charges made by the Confederates, holding our ground with persistency until, later in the day, the left wing of our army was driven back, compelling our regiment to make a change of front to the left. In the meantime our commanding officer, Col. James L. Geddes, had his horse shot from under him and was slightly wounded in the knee, but very soon, procuring another horse, he was mounted and we held our position.

Along toward the middle of the afternoon, the left wing of our army, being sorely pressed, was compelled to withdraw a little more, again requiring our regiment to change front to comply with this change in the left of our army. About four or five o'clock in the afternoon, the left wing of our army, still giving way, compelled us to change front and move to our left; and as near as I can remember now, about an hour and a half before sundown, I received a gunshot wound in the left breast that brought me to my knees. Two of my comrades seized me, walked me back a couple of hundred feet and laid me in behind the root of a large oak tree that had been overturned by the wind, there ministering to my wants as best they could. The blood flowed freely from the wound, and I soon became unconscious. By this time, as I was told afterwards, our troops were compelled to retreat, and I was left in the hands of the enemy for dead. As reported to me afterwards, the regiment retreated nearly a fourth of a mile and, in connection with the 12th and 14th Iowa regiments and some other troops, were surrounded by the enemy and compelled to surrender. Apparently not very long after the regiment had retreated and left me, I became conscious and realized that I was alone. Hearing a rustling among the leaves, I turned my head and saw the Confederate line of skirmishers advancing close to me. Having heard fre-

quently during my service that wounded men were bayoneted by the Confederates when found alive, I closed my eyes and feigned myself dead and the skirmishers passed on, paying no attention whatever to me. Shortly after this, two comrades of my own company, Cousin S. R. Palmer, now of Dexter, Iowa, and Corporal R. M. Kilgore, knowing the condition in which I was left, got permission from a Confederate lieutenant, who had them in charge, to pass by the place where I was left, on their way to the prison pen, the Confederate lieutenant and three soldiers accompanying them. Much to their surprise they found me still alive and able to speak, having regained consciousness, but not able to get up. They asked permission of the lieutenant to carry me over into a little field near a log cabin, a little to the right of the position the regiment occupied during the day. There they left me on the ground, the Confederate officer refusing them permission to remain with me. Giving me a canteen of water, my two comrades went off to the prison pen, expecting never to see me again. I was full of regret as I thought they were taken prisoners because they had spent too much time with me on the field. I did not know then that the entire regiment and many others were captured. At the time when they first ministered to my wants, immediately after I was wounded, the Confederates had stripped me of my coat and cap, leaving nothing but my shirt, trousers, shoes and stockings. The little field in which I was left by my comrades was well filled with Confederate soldiers who had stacked their arms and who were exulting over the capture of prisoners. By this time it was nearly dark and the dampness of the evening was making me chilly.

One very large Confederate Irishman came to me and asked, "Are ye cowl'd?" I answered "Yes," and he said, "Here taak this blanket and poot it over ye," and he stooped down and gently tucked around me a good U. S. blanket that he had captured from one of our camps during the day. Very soon another Confederate soldier, a young fellow about my own age, came along and noticing my condition, asked, "Would you like to have a drink?" I answered in the affirmative, and

he handed me a bottle from which I took several good swallows of what I thought then, about the best liquor I had ever drunk. By this time it was getting about dark and I began to think of where I would spend the night. Seeing a wedge tent standing close to the old cabin, about one hundred feet from me, I resolved to try and reach it. Stimulated by the liquor, I felt I could do so. I could not stand so I managed to get on my hands and knees and crawl to the tent, at a snail's pace, dragging my blanket and canteen with me. On entering the tent I found it occupied by a wounded Confederate soldier. Having no one to care for him just then, I proceeded at once to pull some of the straw from under him to make a pallet for myself. He tried to give the alarm by yelling as loud as he could, but I insisted that I must have some of that straw and continued until I made a fair division between us and lay down for the night, covering myself with the blanket. Evidently I must have been unconscious a good part of the night, for I only remember two or three incidents that occurred; one was the shelling of the field by our gunboats, when the shells exploded so near that it made everything light in the tent. Another was the rain that fell at one time in the night, and the third was, I missed my companion. Soldiers had evidently come along and taken him out, leaving me for dead, or considering I was a "Yank" thought I didn't need any attention.

When morning came it gave promise of a beautiful day. The rain was over, the Confederates gone out of the field and not a soul near. About sunrise, however, there came out of the timber south of the little field, a very fine looking General Officer, Confederate, accompanied by two or three staff officers and perhaps a half dozen mounted men as bodyguard. They rode immediately past the tent where I could see them, but they did not see me. Riding out to the north of the cabin in plain view of the position we had occupied the day before, they halted, took out their field-glasses and proceeded to view the situation. Scarcely had they gotten a good look through their glasses, when one of our pieces of artillery dropped a shell among them. They disappeared, some going around one side of the tent and some the other. A couple of empty saddles

went back; whether the riders were wounded or killed I know not, but the General and his staff and bodyguard retreated into the woods out of sight. This, to me, was great encouragement. I felt about as much stimulated as I did the night before after drinking out of the Confederate boy's bottle.

I had not long to wait, however, until the battle recommenced, and such terrific firing I never heard, unless it was what I had heard the day before. I needn't say that I kept my entire body very close along the ground in that tent. I had no curiosity to get up and go out and see how the battle was raging. Not having any timepiece, I can only guess that the battle raged the entire forenoon, and I was between the fires nearly all of that time. As I guessed at it, about noon or a very little thereafter, the firing ceased on our end of the line, the Confederates dropped back into the timber on the south side of the field and our troops into the timber on the north side. I could still hear musketry and cannonading away down the river, which I supposed afterwards was Buell's command going into position.

Having an abhorrence of being a prisoner of war, I felt that now, possibly, was the time to make my escape. Crawling to the tent door I managed, with the aid of the tent pole, to draw myself up on my feet and steadying myself by the pole, I stepped outside of the tent and commenced my observation of the situation both north and south of me. In an instant, everything disappeared from me, for how long I do not know; when I came to consciousness I was lying headlong out of the tent with my nose run into the ground. Never having fainted in my life before, I came to a full realization of what it was to faint. I crawled back into the tent much discouraged. After resting a little while, the feeling came to me again that I must not be a prisoner and I would try it again. Pulling myself up by the tent pole as before, I stood a few seconds to see how it operated, when I noticed that my eyesight was leaving me, and realizing what that meant, I dropped down on the ground and I could see again. I now began to realize that I could not stand or walk, and I resolved that I would, after the fashion of the snake, undertake to crawl. Proceeding on this theory I

was able to crawl fifteen or twenty feet, when my eyesight gave way again, and I dropped down, when it instantly returned. Persevering, however, I made another advance of about the same distance with the same result. I kept up that procedure of crawling and resting, moving as fast as I could in the direction where I thought our own troops were.

I presume it was about the middle of the afternoon when I reached the skirmish line. Getting behind the skirmish line I took quite a little rest and then proceeded to get behind the first main line. Finding a big oak tree behind this first main line, I crawled behind it, and feeling perfectly secure in the company of my friends, I concluded I would take a good long rest. By this time it was nearly night of Monday, the second day of the battle. While lying on the safe side of the root of this tree a very funny incident occurred in a regiment that occupied the second line. One of the rank and file of the regiment stepped forward some thirty feet behind a large tree and was standing there when the Confederates commenced artillery firing, undertaking to shell these troops out of the timber preparatory to a charge that was made afterwards. While this soldier was standing by that tree, a shell struck it above his head some eight or ten feet, knocking out a big piece from the tree and casting it with great force to the ground right by his side. Frightened by this, he dropped his gun, whirled to the rear, ran as fast as his legs would carry him through his own regiment, knocked out a file of men and proceeded to the rear, his officers yelling at him to halt. He paid no attention to them, but ran on out of sight, and so far as I know he may be running yet. I never heard of him again. It caused the entire regiment to break out in a roar of laughter.

Immediately after this the Confederates came across the field from which I had crawled, yelling at the top of their voices, their own artillery throwing shells in front of them amongst our men. They made a very violent charge, but failed to break through the first line, and were repulsed with great loss. You can imagine my feelings when this charge was going on. I felt as though they were going to break through and I would again be a prisoner, but our boys were on the alert and

gave them a warm reception, sending them back fully as fast as they came, with fewer numbers. After this charge I felt as though I was not as safe as I might be, and I proceeded to crawl through the second line. Here I came in contact with the ambulances that had been busy all day gathering up the wounded of the day before and taking them to the hospitals. I tried to persuade a driver to take me into his ambulance, but he said he did not know me and he was only hauling for his own regiment.

While I was lying at the root of the tree, the old Second Iowa, grand regiment as it was, came past on the double quick. When Company H, with whose members I was well acquainted, saw me they cried out, "There's Dave Palmer!" and two or three of them stopped with me. I pointed out the ambulance driver in the timber, who had refused to take me to the hospital in his ambulance. They immediately ordered him around with his ambulance and arbitrarily, and with force, put me into the ambulance, and I was taken direct to the camp of the 7th Iowa, where I was placed in a Sibley tent along with many other wounded men. Co. H of this 7th Iowa, having been organized in our county, I felt at liberty to send up to that company and ask for help. One of my intimate friends from my own town, Wm. Vanatta, who was left in camp sick that morning, came down, and when he found who it was, secured a towel, a bucket of water and a good light suit of clothes. I was stripped, bathed and dressed with the light suit and put to bed on a pallet of straw for the night, where I rested very comfortably. The next day I was taken to my own camp hospital in the 8th Iowa, and there received the attention of our Assistant Surgeon, Dr. A. W. Hoffmeister, who was a very good friend to the boys and was very attentive to their wants.

A little less than a week later, while lying in this camp hospital, the sub-clavian artery burst about an inch and a half from the main artery of the heart, causing a flow of blood out through the wound that would have taken my life in a very few minutes. Neither myself nor anyone in the tent knew what to do, but Dr. Hoffmeister was fortunately in his

tent not twenty feet away. He was called at once and stopped the flow of blood instantly by pressing his fingers down behind the collar bone. He secured a man to take his place in turn, and kept up this compress continually until the next day when I was hauled to the hospital boat at Pittsburg Landing and there the operation of taking up the artery was performed by Dr. Azpell, of the regular army. This operation destroyed the section of this artery in my left arm, completely paralyzing it, so I had, of necessity, to carry it in a sling to keep it out of my way.

From there I was brought on this same hospital boat to Keokuk, Iowa, and transferred to the Soldiers' Hospital there, where I received the kind attention of the management. I shall never forget the kindness of good, loyal friends in Keokuk, more particularly the Smith-Hamil family who, during the six weeks I lay in that hospital, did not fail to send some one to minister to my wants each day. Through the kindness of the management of the hospital, my father was permitted to come in and be one of the nurses in my ward. About the middle of June it was thought I was able to be furloughed home. While not yet able to walk, I was carried on a cot to the river and brought to Muscatine by boat, from Muscatine to Washington by rail, and from Washington out to my home in the country by a lumber wagon with a box well filled with hay. By the first of July I was able to get up and walk around a little, and from that on I gained rapidly.

By the middle of July I received a commission from the Governor of the State to recruit a company under the 300,000 call then made by the President. I was elected Captain of the company that was filled up and organized, and went into Camp McKean, Mount Pleasant, Iowa, as Co. A, 25th Iowa Infantry, Sept. 1, 1862. My arm was still in a sling, perfectly useless, although otherwise I enjoyed good health and had gained almost my usual physical strength.

I owe a debt of gratitude to very many friends, of whom I had a legion, for their kindness to me both in hospital and at home, during the period I was disabled by my wound. I was more fortunate in my service in the 25th Iowa. I received only

two wounds during the entire three years, one a slight wound in the foot at Arkansas Post—where we captured 7,000 prisoners—the other, in the knee, at Taylor's Ridge, Georgia. Neither of these wounds kept me off duty. Having good health, I was not absent from the regiment twenty-four hours from the date of its muster into the service in 1862 until its muster out in June, 1865.

GOVERNOR KIRKWOOD AND THE SKUNK RIVER WAR.

BY HON. FRANK W. EICHELBERGER.

During the dark days of the summer of 1863, when Grant was investing Vicksburg and Lee marching on Pennsylvania, there existed in portions of Keokuk, Poweshiek and Wapello counties a large number of Southern sympathizers, who had from the outset of the war made a fierce opposition to its prosecution.

A man named Tally, living near Ioka, in Keokuk county, a Baptist preacher, made himself a leader among this element by his blatant, disloyal speeches in different parts of the country, rendering himself obnoxious to the union-loving portion of the community. He usually went armed with a couple of revolvers and a bowie knife and openly defied the authorities to arrest him. The fall of Vicksburg and defeat of Lee at Gettysburg seemed to embitter him and his harangue became more violent and threatening.

On the first of August, accompanied by seventy or eighty men in wagons, all armed, he went to South English in Keokuk county, and held a meeting in the outskirts of the village. Whilst this was in progress, a Republican meeting was organized in the street opposite the hotel, which was addressed by a man named Settler, from Mt. Pleasant, who happened to be at the hotel. During the progress of this meeting, Tally and his crowd in wagons drove through the meeting, exhibiting butternut and copperhead pins, which were the recognized badges of disloyalty in the North at that time.

A wounded soldier named Moorman, seized one of the men wearing a butternut and stripped it off and was proceeding to serve others in the same way when he was seized by some of them. His father went to his rescue and discharged his revolver. At this, Tally raised up in his wagon and gave the word to fire, at the same time firing his own revolver into the crowd and a regular fusilade was discharged by his armed followers, but singular to relate without hitting anyone. I was there the next day and saw many bullets imbedded in the hotel front. The firing was returned and Tally was killed and one of his men wounded. On the fall of their leader they drove off vowing to return and hang a number of the citizens and burn the town.

Word was set to Washington, Iowa, where Col. N. P. Chipman, Chief of Staff for General Samuel R. Curtis, happened to be at home on a short furlough. He left immediately for South English, whither I accompanied him in the interests of the *Muscatine Daily Journal*, of which paper I was then City Editor.

On our arrival Col. Chipman organized a company, erected barricades and prepared to resist any effort to take the town. During the day companies of state militia arrived from Washington and others came in from Poweshiek and Iowa counties, and the town was turned into a military camp, with Col. Chipman in command and J. F. McJunkin of Washington, afterwards attorney-general of Iowa, as Adjutant.

In the meantime a mob of six or seven hundred men had gathered in the bottoms of Skunk river armed with all kinds of weapons from shot guns to meat axes. They demanded that ten of the best citizens of South English should be arrested and immediately tried, charged with the crime of murder in the first degree, and threatening to march on the town and burn it, and seize the men themselves and hang them, unless their demand was complied with.

The messenger sent by them, discovering the preparations made for their reception, returned and reported that the men were willing to give themselves up to the proper authorities for trial, which under the circumstances of Col. Chipman's preparation was accepted.

They were arrested by Sheriff Adams, had a preliminary hearing before a Justice of the Peace, and were bound over in the sum of \$1,000 each for their appearance at the next term of the District Court. The army of the Skunk was dispersed and Col Chipman's forces sent home and it was supposed the affair had ended. But during the night another mob of nearly a thousand men gathered on Skunk river bottom near Sigourney and threatened to march on that place and destroy it unless the men bound over at South English were immediately brought to Sigourney and placed on trial. There was great excitement at Sigourney, the business houses were closed and nearly every man turned out to defend the place. There was no railroad or telegraph line to Sigourney at the time.

Mr. Sanders, the clerk of the court, who afterwards established and conducted Sanders' Stock Journal at Chicago, drove to Washington and took an engine from there to Muscatine, where he got into telegraphic communication with Governor Kirkwood. I went back on the engine and drove to Sigourney, finding the town in a state of great excitement, patrolled by a company of home guards only half of them armed. The town was filled with ugly, scowling, armed rioters from the rendezvous on Skunk river and things looked pretty squally.

During the night Governor Kirkwood came in from Washington accompanied only by Col. Trumbull of his staff, afterwards Colonel of the 9th Cavalry. They drove direct to the court-house and Governor Kirkwood at once proceeded to make a speech.

It is only once in a lifetime that a man is permitted to hear such a speech, and especially to such an audience under such circumstances. The grand old man seemed to be inspired; he was utterly fearless, although apparently in imminent danger from the rough crowd that surrounded and threatened at times to hang him, hissing and howling curses at him, which however failed to interrupt his speech. And such a speech! Its like never came from the mouth of any other governor of any state. It was far from ladylike, in fact would hardly

do for print, but was vigorous, virile and to the point, filled with good old English and interspersed with an occasional round mouth-filling epithet as he referred to the rebels. It was exhilarating, exciting but fearsome to see that rugged, fearless, earnest, grand man standing up in the middle of the night hurling denunciations and threats to such a mob. He told them he had come to see that the law was enforced; that the people of South English would be fairly tried and if guilty punished, but not by such a scoundrelly mob as confronted him; that he had reason to believe that they were drawn together not so much to punish crime or see that it was punished, as to throw obstacles in the way of the government in putting down the rebellion; that he didn't propose to have any fire-in-the-rear rebellion in Iowa and unless they dispersed before morning he would have them shot down like dogs; that he had ordered troops which were on their way, and when they arrived the next day they would shoot, and shoot straight, and shoot leaden bullets, not blank cartridges; that he would put down this mob if he had to kill every mother's son of them—although that was not exactly the name he applied, but it would not be polite to give it verbatim.

His appearance and bravery cowed them and they commenced to slink away, and before the Governor would go to bed most of them had left town. The next morning a company came in from Muscatine and during the day others arrived from Mt. Pleasant, Washington and other towns, and by evening there were ten companies of militia quartered in and around the town and the mob had entirely dissolved and gone home.

I have always thought that there would have been bloodshed if Governor Kirkwood had not fearlessly met the crisis.

A number of the rioters were arrested and bound over, charged with exciting a riot, but they, together with the South English prisoners, were released and all prosecution was wisely dropped at the next term of court.

ANNALS OF IOWA.

EDITORIAL DEPARTMENT

STATUE OF MAHASKA.

An ideal portrait in bronze of Mahaska, a chieftain of the Iowa tribe of Indians, was unveiled and dedicated at Oskaloosa on May 12, 1909. It is the gift of Mr. James D. Edmundson, of Des Moines. The figure is seven and one-half feet in height, on a pedestal of granite of about the same height, which bears four bronze tablets whose inscriptions read as follows:

ON THE FRONT OR WEST TABLET.

MAHASKA.

ON SOUTH TABLET.

Mahaska, for whom Mahaska county was named, was chief of the Ioway tribe of Indians. He lived at peace with the white man and was slain by an Indian in 1834, at the age of fifty years, in what is now Cass county,
Iowa.

ON EAST TABLET.

Presented to the city of Oskaloosa by James Depew Edmundson, in memory of his father, William Edmundson, who settled in Iowa in 1836, and who as sheriff under appointment by the territorial legislature, had charge of the organization of Mahaska county, which was completed on the 13th day of May, 1844.

ON NORTH TABLET.

The Ioways, a powerful tribe of Indians for which the State of Iowa was named, at one time inhabited the southeastern portion of the territory which now constitutes the State of Iowa, and which includes in its borders the county of Mahaska.



Statue of Mahaska, at Oskaloosa, Iowa.

The statue was modeled by Mr. Sherry E. Frye, a young Iowa sculptor then residing in Paris. The model in clay won for the sculptor honorable mention when exhibited in the Paris Salon. The statue in bronze was also exhibited in the Salon of 1908, winning for the sculptor a gold medal and membership in the American Academy at Rome.

At the dedication, Hon. J. F. Lacey, in the principal address said:

"The Iowa Indians, whose name first appears in Lewis and Clark's journals as Ayauway, occupied this fertile and lovely land. Among the chiefs was Mahaska, a splendid specimen of mental and physical manhood, six feet and two inches tall.

Mahaska realized the power of the white people and the necessity of accepting the new order of things that the establishment of the republic had brought about. He took pride in the fact that he was guiltless of any white man's blood, and it was only to avenge the wanton murder of his own father that he took up arms against enemies of his own race. He gave up some Indians for the murder of white people, and fell a victim in 1834, in his tepee out on the Nodaway, killed in revenge for his friendly conduct towards the white race."

The chieftain whose life this monument commemorates participated in most of the councils and signed many of the treaties whereby his tribe dealt with other tribes and with the United States with respect to the use and title of lands now within or bordering on the State of Iowa. He was joined by Mah-ne-hah-nah, "The Great Walker," in agreeing on behalf of the Iowa tribe on August 14, 1824, to the west and north boundaries of the State of Missouri. He was joined by nine other braves and head men in signing a treaty at Prairie du Chien on August 19, 1825, wherein the inter-tribal dissensions over lands in our State and the grievances of some of the tribes against the United States were settled. In this treaty the tribes were allotted specific portions of land. But the Iowa and the Sac and Fox tribes agreed to the use in common of lands now within the State of Iowa south of a line "commencing at the mouth of the Upper Iowa river on the west

bank of the Mississippi, and ascending the said Ioway river to its left fork; thence up that fork to its source; thence crossing the fork of Red Cedar river in a direct line to the second or upper fork of the Des Moines river; and thence in a direct line to the lower fork of the Calumet river; and down that river to its juncture with the Missouri."

THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION.

The Mississippi Valley Historical Association was organized at Lincoln, Nebraska, in October, 1907. It resulted from a conference called by Mr. C. S. Paine, Secretary of the Nebraska Historical Society, and was participated in by representatives from activities in the States of Iowa, Missouri, Kansas, Minnesota and Montana. Mr. F. A. Sampson, Secretary of the Missouri State Historical Society, was elected president and Mr. C. S. Paine, secretary. The first regular meeting was held at Madison, Wisconsin, in December, 1907, at which Hon. Thomas M. Owen, Director of the Alabama Department of Archives and History, was made president and Mr. Paine, secretary. At that meeting a constitution was adopted. The object of the Association is stated to be the promotion of historical study and research, and of co-operation between historical activities of the Mississippi Valley. It provides that any one interested in these matters may become a member, and also provides for two meetings each year, one to be held in June and one in connection with the annual meeting of the American Historical Association in December. The annual dues are one dollar. The midsummer meeting of 1908 was held at Lake Minnetonka, Minnesota. At this meeting Dr. Clarence W. Alvord, Assistant Professor of History in the University of Illinois, was made president. The midwinter meeting of that year was held at Richmond, Virginia. The second annual meeting of the Association was held in the rooms of the Missouri Historical Society in St. Louis, June 17-19, 1909.

At this meeting an excellent program was presented and it was decided to publish the first volume of transactions at once, and distribute the same to all members. Dr. Benjamin F.

Shambaugh will edit this volume, which will contain all of the papers that have been presented at the meetings of the Society to date. It was voted to name a board of publication, to be composed of one representative from each of the States of the Mississippi Valley; this board to be authorized to raise a publication fund for the purpose of issuing a series of Mississippi Valley Historical Collections, and to have entire direction of all matters pertaining to the publication of such collections. It was suggested that if \$100 could be raised by popular subscription or otherwise in each of the States represented, a fund would be created sufficient to publish the first volume, and that the proceeds from the sale of the first volume would publish another, and so on. At this meeting a committee of five was appointed whose business it will be to encourage local societies to provide, through legislative appropriations or otherwise, funds for the appropriate marking of historic sites.

The following officers were elected for the ensuing year: President, Orin G. Libby, Professor of History, University of North Dakota; Vice-President, Benjamin F. Shambaugh, Professor of Political Science, University of Iowa, Iowa City, Iowa; Secretary-Treasurer, Clarence S. Paine, Secretary Nebraska State Historical Society, Lincoln, Nebraska. Executive Committee (in addition to the above named officers who are members ex-officio), Dunbar Rowland, Director Department of Archives and History, Jackson, Mississippi; Charles E. Brown, Chief State Historical Museum, Madison, Wisconsin; Francis A. Sampson, Secretary and Librarian State Historical Society of Missouri, Columbia, Missouri; Thomas M. Owen, Director Department of Archives and History, Montgomery, Alabama; Clarence W. Alvord, Assistant Professor of History, University of Illinois.

Invitations were received from several cities which desired the honor of entertaining the next annual meeting. These invitations were referred to the executive committee with power to act. It is understood that either Iowa City or Des Moines will be selected.

The membership of the Association at present numbers three hundred, distributed over thirty-eight states, the District

of Columbia and Canada. Illinois leads all the other states with fifty-six members. Missouri comes second with twenty-six, Iowa and Nebraska tie with twenty-five each, while Ohio has nineteen, Wisconsin fifteen, Michigan eleven, Wyoming ten, etc. These members represent seventy-one colleges, universities and normal schools, sixty-seven public and state libraries, and forty-four historical societies.

REMOVAL OF GOVERNOR BRIGGS' BODY TO IOWA.

One of the most commendable things accomplished by the Thirty-third General Assembly was the carrying out of the plan of Hon. J. W. Ellis, the Representative from Jackson county, of returning to Iowa soil the body of Ansel Briggs, the first governor of Iowa. Jackson county was the home of Governor Briggs when he was elected in 1846 and during his incumbency of the office for two terms. He resided at the old town of Andrew until 1870, except for a few years spent in Colorado. In 1870 he removed to Council Bluffs, where his home remained until his death, May 5, 1881. He died at the residence of his son, J. S. Briggs, in Omaha, Nebraska, and his body was interred at that place. For a number of years the return of Gov. Briggs' body to Iowa and to his former home was urged by prominent citizens, but the credit of accomplishing this good work is almost wholly due to Mr. Ellis, whose election to the House and whose labors there had this as the central purpose. An appropriation of \$1,000 was made by the State from which to defray the expense and provide a suitable monument to be erected over the grave. The monument, as designed, is to be of granite, in the form of a monolith twelve feet high, on a base bearing a bronze medallion portrait of Governor Briggs, appropriate inscriptions commemorating his life and services, and an outline map of the State of Iowa.

RECENT ACQUISITIONS.

Interesting and valuable items consisting of a sword and the various commissions received by the late Alfred Roberts, a lieutenant in the 3d Iowa Cavalry, have been sent by Mrs. Roberts from her home in San Luis Obispo, Cal.

The pulpit from which Dominie Scholte preached prior to his leading to America the emigrants from Holland who became the founders of Pella, Iowa, has been sent to us by Miss Sara M. Nollen, a granddaughter of Mr. Scholte.

Mrs. Foster Ingalls, daughter of the late William H. Quick, of Des Moines, has presented a collection of lithograph and other pictures of early transportation scenes and personages.

The Misses Lora and Mae and Messrs. Arthur and Harry Hinkle of Selma, Iowa, children of the late Captain Abram Hinkle, have presented a collection of objects and manuscript materials of their grandfather, Captain James H. Jordan, of Iowaville. Captain Jordan came to the Des Moines Valley in 1832 and established trading posts at different points before he opened his post at Iowaville. He remained a trader with the Indians until their removal from the State, when he acquired the land on which the old Sac and Fox village stood, and where Black Hawk died. Among the materials are photographs of the pioneers, Isaac and Jonathan Nelson, Joel T. Avery and Captain Jordan, account books of the trading post, letters from early leaders, original plats of Iowaville, and many museum items of rare interest. Among the latter is the blade of a sword loaned by Captain Jordan to a local Masonic Lodge, in whose possession it was burned with their building. It was presented to Captain Jordan by Black Hawk, who represented it as being received by him from Andrew Jackson. This sword comes to the Department by the special kindness of Mr. Arthur Hinkle, as a loan.

The portrait of Isaiah Meek, a pioneer manufacturer and business man of Bonaparte, Iowa, has been received from his daughter, Mrs. Phoebe L. Moore, of Keokuk.

An oil portrait of the late Justice and member of the Board of Control, Hon. LaVega G. Kinne, has been received and

forms a very valuable addition to the collection of portraits of Justices of the Iowa Supreme Court. It was provided through the generosity of friends of Judge Kinne, and was painted by Prof. Charles A. Cumming of Des Moines.

An interesting and valuable oil portrait of the late Col. H. H. Merritt has been received. It represents him at about the age of thirty years. The family who present it attribute it to George P. A. Healy. Judge George Greene, late of Cedar Rapids, a brother-in-law of Col. Merritt, sat for his portrait at the same time. Judge Greene's portrait, signed by Healy, has been copied by Adeline A. Wiegand, and is among our collections.

The acquisition and installation of the portrait of Gen. James B. Weaver, in February, was attended with unusual interest. Gen. Weaver from his arrival at maturity until the present time, in the seventy-fifth year of his age, has been an active worker in the front ranks of reform. He had been invited some years ago to provide his portrait for the collections, but had not complied, when Mrs. Caroline Young Smith, of Des Moines, daughter of an old friend and comrade, aroused the friends of Gen. Weaver to the purpose of immediately securing and presenting the portrait. Hundreds of friends and comrades of Gen. Weaver responded to the suggestion, and the commission was given to Mr. Charles Atherton Cumming, of Des Moines, whose finished work was turned over to the committee February first. After arranging a public ceremony of installation, the Historical Department of Iowa accepted an invitation from the House of Representatives, then in session, to hold the exercises in its Hall. Governor Carroll presided, and addresses were delivered by Rev. Father Nugent of Des Moines, Hon. J. F. Lacey of Oskaloosa, Judge Horace E. Deemer of Red Oak and Mr. William Jennings Bryan.

"THE ALDRICH COLLECTION."

Iowa possesses few collections of materials which surpass in educational value "The Aldrich Collection." The leading article of the present number of *The Annals* is a partial account by the founder of the Historical Department, of his ex-

periences in building this collection. He was wont at times to doubt the appreciation of the public for the manuscripts, the letters and the memorabilia of the American and foreign men of note, and in justification of his own enthusiasm in the matter, was apt to cite the fact that the great patrons of art and science frequently indulge their taste for autographs; and especially that Mr. Adrian H. Joline, the lawyer and capitalist, not only collected, but wrote a book on the subject, and that Mr. J. Pierpont Morgan, the financier, includes the collection of autographs among the enterprises he prosecutes. Mr. Aldrich had become known to the foremost collectors before he presented his collection to the State. When he founded the Historical Department, he began the collecting of autograph materials of Iowa citizens, and it is due to him that there is assembled in easily accessible condition, the portrait and one or more personal missives or manuscripts of nearly every man that has served the State as a prominent official or pioneer. It seems appropriate in this connection, to publish an allusion to Mr. Aldrich which occurs in the writings of the English author, William Michael Rossetti,¹ through whose esteem for Mr. Aldrich an Iowa public came to possess one of the strongest collections of materials of the donor's distinguished brother and sister, Dante Gabriel and Christina G. Rossetti, to be found outside of England.

In 1884 I received a letter from an American, the Honourable Charles Aldrich, living in the State of Iowa, asking me for some autographs, those of Dante and Christina Rossetti being principally in demand. I sent him these, and at various subsequent intervals, numerous other autographs, I dare say more than a couple of hundred, for during many years past I have made it a practice to set apart letters, etc., coming into my hands from interesting persons, and to give them away as autographs to applicants, casual though these may be. Of course, I do not treat thus such letters as are valued by myself, nor such as contain confidential matter. I don't know how many such papers I may by this time have presented in all—perhaps at least fifteen to eighteen hundred, besides several hundred (not all of them unimportant) made over to my daughter Helen. Mr. Aldrich, as I learned, had collected, and still went on collecting, autographs at

¹"Some Reminiscences of William Michael Rossetti." New York, Charles Scribner's Sons, 1906 (Vol. II., p. 508).

a great rate, including many historical and other documents of marked importance. I presume this was at first a private hobby of his own, but it had developed into a public-spirited plan for the benefit of the Iowa State Library. Here are lodged all Mr. Aldrich's copious gleanings, including a "Rossetti section" by no means inconsiderable: and I have seen divers newspaper paragraphs and articles (besides letters from Aldrich to the same effect) showing that this section is—what I should hardly have anticipated—an object of substantial interest to the visitors from various parts of Iowa and elsewhere. Mr. Aldrich, who was engaged in farming when first I knew of him, is now the curator of the "Historical Department of Iowa," in the State capital, Des Moines. I saw him in two instances when he visited England, and I keep up to this day a correspondence with him; and it is no more than justice to say that I never met a man to whom the duties of citizenship seem to come more natural—he appears constantly to merge his personal interests in those of his Institution, his State, and ultimately the American Union. At an advanced age he continues to work hard, and always with a public end in view. On one of his visits to Europe he was accompanied by Mrs. Aldrich, a well informed and well-bred but perfectly unpretentious specimen of the American housewife. My wife conceived a high regard for her, and it was a sorrow to both of us to hear of her decease some few years afterwards.

NEW PUBLICATIONS.

Roster and Record of Iowa Soldiers in the War of the Rebellion, Together with Historical Sketches of Volunteer Organizations, 1861-1866. Vol. II, 9th-16th Regiments—Infantry. Des Moines: Published by authority of the General Assembly, under the direction of Brig. Gen. Wm. H. Thrift, Adjutant General. 1908. Pp. 1199.

Under this head the October, 1908, number of *The Annals* contained a review of Vol. I of the *Roster and Record of Iowa Soldiers in the War of the Rebellion*. That review described in detail the plan and character of the work. Vol. II has now been published. It is evident that the same painstaking care has been exercised in the compilation of this volume, and the high standard of excellence maintained, which characterized the initial number. About one-half the space in this second volume is devoted to the history and rosters of the four Iowa regiments which constituted the famous "Crocker's Iowa Brigade," which won great distinction during the war and whose survivors still maintain the old brigade organization in a semi-military way. The entire contents of the volume include the histories and rosters of eight infantry regiments, the Ninth to Sixteenth inclusive. Even a casual examination of the two volumes now published will show the immense amount of labor and patient investigation involved in the completion of this great work. The compiler now has the material for the third and fourth volumes in an advanced state of preparation and the work is being prosecuted as rapidly as the necessary care in making it as nearly correct as possible will permit. It is estimated that the completed work will consist of not less than eight volumes of the size of those already published, comprising over 1,200 pages each, or approximately 10,000 pages in all.

The persistent efforts of the lamented Charles Aldrich—extended over all the years since the great War of the Rebellion ended—to secure the publication of this work, are finally being rewarded. The State of Iowa has honored itself in yielding to his importunities and providing for the permanent preservation of the records of her soldiers and the military organizations to which they belonged.

NOTABLE DEATHS.

COL. SAMUEL W. DURHAM, one of the oldest pioneers of Linn county, died at Marion, Iowa, May 2, 1909, at the advanced age of ninety-two years. Mr. Durham was descended from Kentucky pioneers; his grandfather, John Durham, having crossed the mountains from Virginia in 1783 in company with Rev. Frank Clark, who established the first Methodist church in Kentucky. In 1815 Samuel Durham's father, Jesse B. Durham, migrated to Indiana where Samuel Durham was born two years later. In 1839 he journeyed on horseback from Indiana and Illinois to Linn county, Iowa, which was his home from that time on. Mr. Durham was a member of the first Constitutional Convention of Iowa and served as its secretary. He surveyed large portions of northern and northwestern Iowa and southern Minnesota under government contracts. He surveyed the city of Des Moines, and also made some of the first surveys in Cedar Rapids and other cities. Col. Durham, as he was familiarly called, was in all respects the type of the old school, honest, obliging, and an honored citizen who had a host of friends. He was a Democrat and personally knew most of the pioneer politicians in Iowa. He was known by every one in earlier Iowa, and he appeared many times as a witness in our courts when questions arose as to disputed corners, and old established roads and streets which he had laid out long ago. Mr. Durham was married in 1843 to Ellen Wolcott who died in 1901. Five children survive them, C. Durham, Mrs. F. L. Tillotson, Mary Durham, B. H. Durham, and Louise Durham.

B. L. W.

JACKSON HAYWARD CARTER was born in Bath county, Kentucky, September 27, 1833; he died at Redfield, Iowa, April 10, 1909. His father died in 1836, and he removed with his mother to Morgan county, Indiana. He there learned the blacksmith's trade and for several years engaged in this business and in farming. He removed to Iowa in 1862 and soon thereafter located at Redfield, where he worked at his trade for eighteen years; later he engaged in the hardware business. In 1892 he was elected to the Iowa legislature, representing Dallas county in the lower house of the 24th and 25th General Assemblies. He was later appointed doorkeeper of the Senate and served as such for several sessions.

MATTHEW LONG was born in Columbus, Ohio, in 1824; he died in Marshfield, Mo., about May 1, 1909. He came to Iowa in 1861, locating near Williamsburg. He was a Republican in politics and was elected Senator from Iowa county, serving in the 12th and 13th General Assemblies. After his political career, he removed to Des Moines, where he occupied the position of Secretary of the State Insurance Company. Retiring from this position, he removed to Los Angeles, where he became identified with the insurance business. About twenty years ago he removed to Marshfield, Mo., which place remained his home to the time of his death.

JOHN F. HOPKINS was born October 4, 1821, in Marion county, Ohio; he died at Madrid, Iowa, April 19, 1909. His father, Robert Hopkins, was a veteran of the war of 1812 and a member of the General Assembly of Ohio. His early educational advantages were meagre, but he was a great student and gained a wide knowledge through reading, experience and observation. In 1849 he made an overland trip to California, where he remained two years. He removed to Iowa about 1854, settling in Boone county. Mr. Hopkins represented Boone county in the House of the Thirteenth General Assembly and was instrumental in securing the appropriation for the present State capitol. He was for six years a member of the board of supervisors of Boone county. He was a member of the Pioneer Lawmakers' Association, of the Octogenarian Association of the State, and took a prominent part in the organization of the Old Settlers' Association.

JOHN DAVID NICHOLS was born in Leeds county, Canada, July 22, 1834; he died at Vinton, Iowa, June 20, 1909. When a boy he was apprenticed for seven years to a wagon maker. Finishing his trade before his time had expired, he purchased his release, and was for a time a sailor on the lakes. He studied for the ministry, and was ordained and preached for several years. He came to Henry county, Iowa, in 1857, where he resided until 1863, when he removed to Urbana, Benton county. In 1870 he removed to Vinton, where he studied law with Traer and Gilchrist, and was admitted to the bar in 1872, forming a partnership with Robert St. Clair. He remained in active practice until 1897, the later years of which were in partnership with his son. He served as school director and as mayor of Vinton, and was a member of the Iowa Senate from Benton county in the 17th, 18th and 19th General Assemblies.

WILLIAM SPENCER HALL was born in Sutton, Merrimac county, N. H., April 8, 1823; he died at Onslow, Iowa, April 8, 1909. His boyhood was spent in Michigan and he received his education in the Kalamazoo branch of the University of Michigan. In 1841 he came to Iowa, settling in Dubuque, where he engaged in mining for three years. He removed to Cascade in 1844, and entered the mercantile and real estate business. After a residence of thirty-three years in Cascade, in 1877, Mr. Hall removed to Onslow, Jones county. He served for twelve years as postmaster of Cascade, from 1848 to 1860, and in 1854 was elected representative of Dubuque county in the Fifth General Assembly, and also served in the special session of 1856.

CAPT. MILTON P. RUSSELL was born in North Salem, Hendricks county, Indiana, September 25, 1836; he died in Oakland, Cal., July 2, 1908. He enlisted in the 51st Indiana Regiment October 11, 1861, as a private, but was soon elected first sergeant. He later became First Lieutenant and afterwards Captain. He was in the battles of Shiloh, Murfreesboro, Stone River, and commanded the forces that opposed Mosby. He was captured in May, 1863, and put in Libby prison, from which he escaped through the tunnel. He was recaptured, but later succeeded in getting away. He was discharged May 11, 1865. Soon after the war he removed to Iowa,

residing first at Mitchellville, where he engaged in the grain business. He came to Des Moines about the year 1870. In 1889 he became a member of the board of park commissioners, and during his administration the present park system was planned. He was at one time commander of the Iowa Department, G. A. R. Few men in Polk county were better known, and none had more friends.

JOHN DOZIER SANDS was born at Fakenham Norfolk, England, February 8, 1815; he died March 7, 1909, at Belmond, Wright county, Iowa. He was a private in the English volunteers brought into Canada in 1835 to put down the Papineau Rebellion. After a service for four years, he attended Grand Ligne Academy for three years; thereafter taking the course in theology at Yale, graduating in 1847. From his residence in Essex, Vermont, where he was ordained and served as pastor of a Congregational church for nine years, he migrated to Keosauqua, Iowa. He served as chaplain of the 19th Iowa Infantry throughout the war. He removed to Belmond in 1869. In 1871 he was elected county superintendent. He served as chaplain of his Grand Army Post from its organization until his death. He was a thorough scholar of Greek, Hebrew and French, as well as English; a preacher and teacher throughout his life.

RUTH MCPHERSON MORRIS was born in Grayson county, Virginia, August 22, 1806; she died March 11, 1909, at the home of her granddaughter, Mrs. Anna McPherson Edworthy, Des Moines, Iowa. She was a daughter of John Carey, a Quaker, who removed to Hillsboro, Ohio, in 1816. She was married at twenty-five to Joseph McPherson, and to them were born two children, Daniel and Mary. At sixty she was married to Zadok Morris, who died seventeen years later. In 1900 she removed to Des Moines, thereafter residing with Mrs. Edworthy. She has a brother, Dr. Isaac Carey, residing at Marion, Indiana, at the age of ninety-six. There also reside a grandson, a granddaughter, a great-great-grandson and a great-great-great-granddaughter. She has a sister, Peninah Townsend, aged eighty-five, residing at 853 Barr Street, Cincinnati, Ohio. She was the oldest White Ribboner in the world at her death.

EDWARD AMES TEMPLE was born at Lebanon, Illinois, September 23, 1831; he died at Orlando, Florida, his winter home, February 12, 1909. He was a son of Major George Temple, a territorial legislator of Burlington, Iowa. He was a clerk in the Federal land office at Fairfield, and thereafter at Chariton, Iowa. He acquired land from the government at \$1.25 an acre on which he laid out the town of Mt. Ayr, Iowa, disposing of the last of his lands there some six years ago. He followed a similar course near Council Bluffs, Iowa, and Portland, Oregon, closing out his real estate business soon after forming, with Mr. Simon Casady, the Bankers Life Association, in Des Moines, in 1879. Of this company he became the President and so remained until his death. In his will he made a bequest of \$1,000 for the purpose of placing a tablet in the Historical Building to the memory of his father and certain other Iowa pioneers.

MARCUS C. WOODRUFF was born March 21, 1831, at Aurora, Illinois; he died at the residence of his daughter, Mrs. P. S. Fawkes, at Dubuque, Iowa, March 20, 1909. He was educated at Aurora Academy, migrated to Boone county, Illinois, thence to Hardin county, Iowa, in 1855. He purchased the *Eldora Sentinel* in 1863. In May, 1870, he disposed of the *Sentinel*, and with Charles Aldrich purchased the *Waterloo Courier*, of which he disposed in 1874, immediately purchasing a half interest in the *Dubuque Times*, becoming and remaining its editor-in-chief for several years. He was Chief Clerk of the Iowa House of Representatives in the Twelfth General Assembly. He served as Railroad Commissioner by appointment of Governor Gear for four years. After leaving the service of the State, he was made General Claim Agent for the Chicago Great Western Railroad, continuing in that employment, with his residence at St. Paul, until his death.

JOHN A. EVANS was born in Otsego county, N. Y., May 11, 1833; he died near West Liberty, Iowa, November 16, 1908. He was a son of Simeon and Polly Evans, who removed with their family to Huntsburg, Ohio, in 1834. At the age of 19 Mr. Evans removed to Rock Island county, Ill., where he taught school, soon returning to Ohio, where he remained until 1856, when he removed to West Liberty, Iowa. He was a member of the House of Representatives in the Twenty-second General Assembly from Muscatine county. He was a director of the Iowa Agricultural Society from 1887 to 1892, Vice-President from 1892 to 1894, and President from 1894 to 1896. At the time of his death he was Deputy U. S. Revenue Collector for the Southern District of Iowa.

L. L. ESTES was born in Madison county, N. Y., August 7, 1832; he died April 19, 1909, at Webster City, Iowa. He migrated to Webster City, Iowa, in 1857. He joined the Spirit Lake Expedition for the protection of the settlers in 1857 and was a member of the Northern Border Brigade in 1861. After some years in the mercantile business, he established the banking firm of Young, Estes & Co., composed of the late Kendall Young and himself, which became the First National Bank of Webster City, and was interested in banking enterprises elsewhere. He was once mayor of Webster City, served on the school board and was postmaster during Lincoln's administration.

S. A. FEAY was born at Point Marion, Pa., January 7, 1852; he died at Rock Rapids, Iowa, February 27, 1909. He came to Clayton county in 1855, and to Lyon county in 1879, establishing his residence at Rock Rapids in 1892. In that year he was elected auditor of Lyon county and also to the school board of Rock Rapids, on which he served continuously to the time of his death. He represented the Ninety-ninth District in the Iowa House of Representatives in the Thirty-second and the Thirty-second extra General Assemblies.

WILLIAM HARPER was born in Ross county, Ohio, November 13, 1819; he died January 2, 1909, at Mediapolis, Iowa. He removed from the State of his birth to Yellowspring township, Des Moines

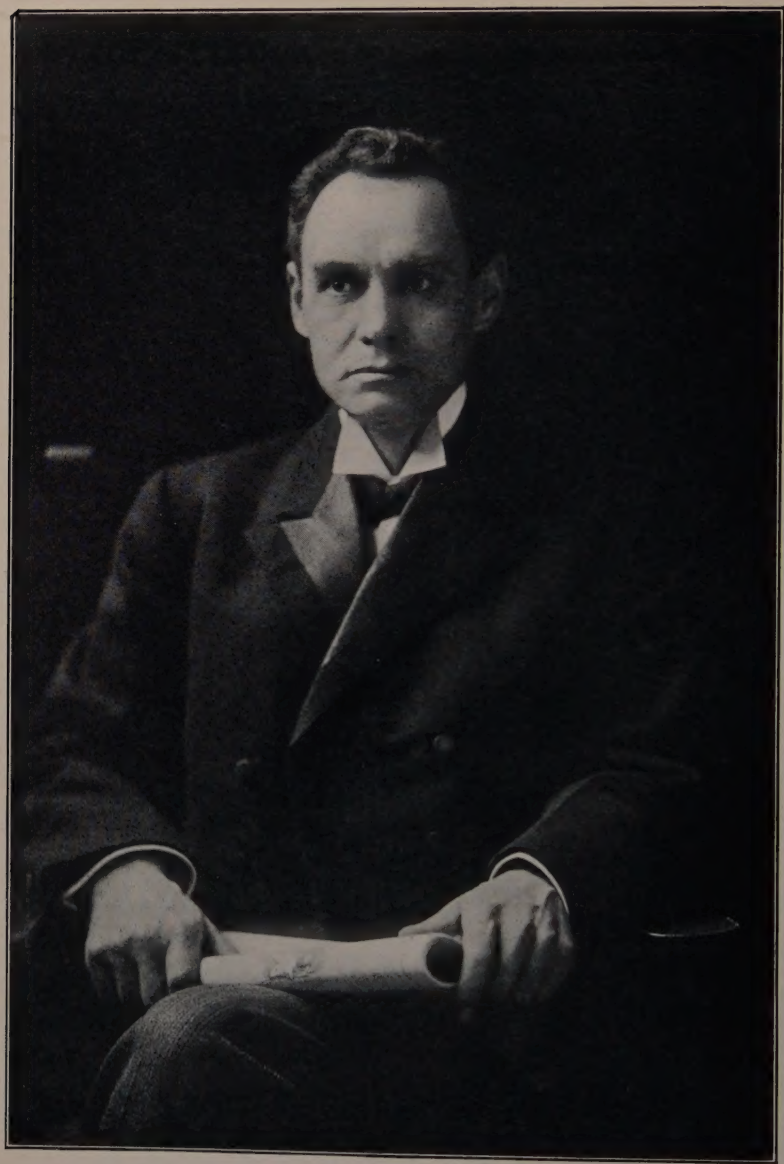
county, in 1842, residing on a farm and teaching school. He spent three years in Burlington as a teacher and later as Deputy Clerk of the Courts. He was a member of the Iowa House of Representatives in the Third and the Thirteenth General Assemblies. In 1877 he took up his residence at Mediapolis, where he opened a real estate, loan and insurance office and became, in 1891, president of the State Bank of Mediapolis.

JOHN H. JENNINGS was born in Greene county, Pennsylvania, April 3, 1825; he died at his home in Boone, Iowa, November 5, 1908. He removed with his father's family in 1839 to Knox county, Ohio, and in 1852 to a farm of 320 acres, which he purchased in Boone county, Iowa, where his home remained during the greater part of his active life. He was a lifelong and active member of the Baptist church; was ever a willing and influential incumbent of the modest, but important offices in the school district, town or county of his residence and represented his county in the House of the Eighteenth General Assembly.

DANIEL FRANCIS was born in Dark county, Ohio, December 5, 1826; he died at his home in Des Moines, Iowa, May 29, 1908. He removed to Penn township, Madison county, Iowa, in May, 1855, and was among the first and most active settlers of that township. He served as justice of the peace two years, assessor fifteen years, county supervisor five years, and was Representative of Madison county in the Eighteenth General Assembly. He removed to Des Moines in 1880, where his home afterward remained.

SAMUEL B. ZEIGLER was born in Center county, Pennsylvania, December 6, 1831; he died at his home in West Union, Iowa, April 19, 1909. He migrated to Dubuque in 1854, and to West Union in 1856, in which year he was admitted to the bar. He established the West Union Bank in 1866, which was merged with the Fayette County Bank in 1872. At the time of his death he was President of the Board of Trustees of Upper Iowa University. He served as United States Consul at Aix-la-Chapelle under the McKinley administration.

GREEN T. CLARK was born in White county, Tennessee, March 25, 1823; he died at Pella, Iowa, Nov. 26, 1908. In 1834 he removed with his parents into the Black Hawk country, settling in what is now Lee county, Iowa. He removed to Marion county, settling in Lake Prairie township in 1843. He was at one time member of the board of supervisors of his county, and served as Representative in the Fifth extra, Sixth, Fifteenth and Sixteenth General Assemblies.



A. O. Sawyer